

THE CATHOLIC UNIVERSITY OF AMERICA
CANON LAW STUDIES
NO. 465

THE LAITY, LUTHER AND TRENT:

An Historical and Canonical Analysis

A DISSERTATION

Submitted to the Faculty of the School of Canon Law of
The Catholic University of America in Partial
Fulfillment of the Requirements for the
Degree of Doctor of Canon Law

by

Reverend James R. Hertel, O.D.M., S.T.B., J.C.L.

Priest of the Roman Province

Washington, D.C.
1968

TOLEDO
U.S.A.
BOND
CORRASABLE
TATONS

This dissertation was approved by the Reverend William W. Bassett, M.A., S.T.L., J.C.D., Assistant Professor of Canon Law, as director, and by the Reverend Frederick R. McManus, A.B., J.C.D., LL.D., Dean of the School of Canon Law, and the Reverend Bernard F. Deutsch, J.C.D., I.C.D., I.R.P.D., as readers.

Nihil Obstat:

Reverend Allan B. Wolter, O.F.M., Ph.D., L.G.
Censor Deputatus Provinciae

Imprimi Potest:

Very Reverend Louis DiTalia, O.D.M.
Vicar-Provincial

September 30, 1968

Nihil Obstat:

Reverend William W. Bassett, S.T.L., J.C.D.
Censor Deputatus

Imprimatur:

+ Patrick Cardinal O'Boyle
Archbishop of Washington

May 30, 1968

The nihil obstat and imprimatur are official declarations that a book or pamphlet is free of doctrinal or moral error. No implication is contained therein that those who have granted the nihil obstat and the imprimatur agree with the content, opinions or statements expressed.

© Copyright by ^{Jessell}
Rev. James R. Hertel, O.D.M.

1969

To

MY MOTHER AND FATHER,

who, obedient to our
Lord's command, brought
me to the saving waters
of regeneration, and taught
me that "the true treasure
of the Church is the most
holy Gospel of the glory
and grace of God."

(Luther, Thesis 62, 1517)

FOREWORD

The present era in the history of the Church, following closely upon the celebration of the Second Ecumenical Council of the Vatican (1962-1965), is one of both revolution and evolution. It is a period of reevaluation, a period of searching, a period of change. It is a time in which the Church is experiencing the rapidity of the twentieth-century modus vivendi which has so characterized all of the other basic institutions that comprise our Western culture and existence.

The present period is called revolutionary, since the Second Vatican Council has chartered a course for the Church that leads back, as it were, to the starting point of the Christian era, while at the same time it points forward to the future with a joyous optimism in the fulfillment of her ancient, though ever new, mission from Christ. Pope John XXIII announced that the Council has convoked precisely in order to enlighten modern man to the joy that is his in the glad tidings of the Gospel, that by so doing, the way to a new earthly city, the eschatological vision

of the primitive Church, might be indicated more clearly and achieved, by the grace of God, more quickly.¹

The present period in the history of the Church can also be called evolutionary, since the contemporary witness of the Church seems to be characterized at least in part by a profound search for new ways in which the roles of the clergy and the laity can be expressed according to the degree of relevance that is suggested by our twentieth-century development. This evolution, while employing legitimately the contributions of the modern world, also possesses the advantage of centuries of dogmatic development and scriptural enlightenment that have characterized the enduring life of the Church. Yet, it must always be remembered, that a genuine revolution and a productive evolution have to occur within the essential constitution of the Church as revealed by her divine Founder.

The present study, it is to be hoped, contributes to a deeper and more authentic understanding of the essentials that constitute the nature of the Church, and most especially, the role of

¹"Venerable brothers, such is the aim of the Second Vatican Ecumenical Council, which, while bringing together the Church's best energies and striving to have men welcome more favorably the good tidings of salvation, prepares, as it were,

the laity who comprise its membership to such a large extent. The dissertation is divided into four chapters. The first two chapters are devoted to an examination of representative canonical sources during the period of the Middle Ages, i.e., from the fifth to the sixteenth centuries, in an attempt to ascertain the Church's understanding of the rôle of the laity during this period, as it is reflected in those sources. The third chapter treats specifically of the challenge raised by the sixteenth-century Reformer, Martin Luther, to the traditional understanding of the constitution of the Church and the role of the laity as it was expressed within canonical tradition. Following an introduction in which various influences such as papal absolutism, conciliarism, nominalism, psychological and spiritual anguish, and Sacred Scripture are discussed for the purpose of shedding light on the development of his teachings, the theology of Luther himself is studied. Precisely within the context of his theological understand-

and consolidates the path toward that unity of mankind which is required as a necessary foundation, in order that the earthly city may be brought to the resemblance of that heavenly city where truth reigns, charity is the law, and whose extent is eternity."-- John XXIII, Opening Speech to the Council (October 11, 1962)-- The Documents of Vatican II, ed. Walter M. Abbott (New York: Herder and Herder, 1966), p. 718.

ing of justification and the Church did Luther draw out the implications therein contained to construct a theology to sustain a most active lay participation in the life of the Church.

The fourth and final chapter is devoted to a study of the Council of Trent in those areas that provided the Catholic response to Luther's challenge regarding the role of the laity. Specifically, these include the fourth session which dealt with the question of Scripture and Tradition, the sixth session which formulated a theological position on justification, together with the twenty-third, and to a lesser degree, the seventh and fourteenth sessions, which expressed in chapters and canons the implications consequent to the positions taken in the fourth and sixth sessions.

It is also the purpose of this dissertation to acquaint the reader with a more accurate understanding of the legitimate contributions that Luther made to the Catholic heritage.² In this

²In increasing numbers, both Catholic and Lutheran scholars seek to aid the cause of Christian unity by objective studies of Luther and his contributions to the Church, marked today by the almost total absence of polemic. Cf. William W. MacDonald, "Luther and Catholic Historians," America, CXVII (1967), 434-436; Arthur C. Piepkorn, "A Lutheran Theologian Looks at the Ninety-Five Theses in 1967," Theological Studies, XXVIII (1967), 519-530; Lewis W. Spitz, "Current Accents in Luther Study: 1960-67," Theological Studies, XXVIII (1967), 549-573.

way, a small contribution might be made, not only to a clearer understanding of the role of the laity in the Church, but also to the cause of Christian unity which was so dear to the heart of Pope John XXIII, and for which purpose, he summoned the Second Ecumenical Council of the Vatican.

The author wishes to express his gratitude to the Very Reverend Louis DiTalia, O.D.M., Vicar-Provincial of the Roman Province, for the opportunity of engaging in advanced studies in Canon Law. He is equally indebted to the Dean and Faculty of the School of Canon Law of the Catholic University of America for their helpful guidance and advice, especially to the Reverend William W. Bassett, M.A., S.T.L., J.C.D., who directed the dissertation. Special thanks are also due to the Reverend Clyde Ebenreck, O.F.M., M.A., The Reverend Dismas Bonner, O.F.M., J.C.D., and the Reverend Marcian J. Mathis, O.F.M., J.C.D., for the inspiration and cooperation which they graciously rendered. Finally, the author wishes to express his deep gratitude to Mrs. John McCall, who, with diligence and a never failing spirit, prepared the manuscript.

TABLE OF CONTENTS

FOREWORD	Page v
Chapter	
I. THE ROLE OF THE LAITY IN THE CHURCH OF THE MIDDLE AGES: THE FIFTH TO ELEVENTH CENTURIES	1
II. THE ROLE OF THE LAITY IN THE CHURCH OF THE MIDDLE AGES: THE ELEVENTH TO SIX- TEENTH CENTURIES	21
III. THE THEOLOGY OF MARTIN LUTHER (1483-1546) .	44
Introduction	
Article 1 Justification	
Article 2 Ecclesiology	
Article 3 The Role of the Laity in the Church	
IV. THE COUNCIL OF TRENT AND A CANONICAL EVALUATION	143
BIBLIOGRAPHY	197
TABLE OF ABBREVIATIONS	204
BIOGRAPHICAL NOTE	205

LIBRARY
CORPUS ARABICUM
BOND
USA
CHAPTER 1

THE ROLE OF THE LAITY IN THE CHURCH OF THE MIDDLE
AGES: THE FIFTH TO ELEVENTH CENTURIES

Throughout that period of Church history marked by the barbarian invasions, Christological heresies, schisms, the spread of Christianity to Western Europe and the development of the early medieval Church, which culminated in the renewal period of Gregory VII, representative canonical sources attest to the growing tendency to relegate the laity to a passive role in the life of the Church. Little by little, the Church emerged as an ecclesiastical corporation whose life was regulated by a juridicism structured ostensibly on Roman Law. This was due in part, no doubt, to the official recognition of the Church by the State in 313 A.D. This chapter will survey the legal enactments of local synods and provincial councils, as well as a sample of represent-

ative texts of the pre-Gratian canonists, in order to portray the status which the laity held in the Church during these centuries.

Immediately prior to the beginning of this period, St. John Chrysostom (347-407 A.D.) enunciated in moving language the call of the Christian to care for the rest of the Body of Christ. He indicated that nothing would be more useless than a Christian who does not even try to save others. In fact, this was the very essence of being a Christian, and "it was as contradictory to say that a Christian can do nothing for others as to say that the sun cannot give light."¹ Chrysostom also stressed the essential and

¹"Nihil frigidius Christiano, qui aliorum salutem non curat. Non potes hic paupertatem obtendere: nam quae duo minuta iniecit, te accusabit. Et Petrus dicebat, 'Argentum et aurum non est mihi' (Acts 3:6). Paulus item adeo pauper erat, ut saepe esuriret, et necessario cibo careret. Non potes ignobilitatem proferre: nam illi ignobiles erant, ex ignobilibus orti. Non potes praetexere te idiotam esse: nam et illi illiterati erant. Etsi servus sis, etsi fugitivus, tua poteris exsequi: siquidem et Onesimus talis erat. Sed vide, quonam vocet illum, et ad quam agat dignitatem: Ut communicet tecum, inquit, in vinculis meis (Philem. 1:10). Non potes infirmitatem objicere: nam talis quoque Timotheus erat, qui frequenter habebat infirmitates. Quod enim infirmus esset audi: Vino modico utere propter stomachum tuum et frequentes tuas infirmitates (1 Tim. 5:23). Potest unusquisque proximo prodesse, si velit quae sua sunt implere. Non videtis infructuosas arbores, quam firmæ sint, quam pulchrae, procerae, laeves et sublimes? At si hortum haberemus, vellemus malogranata, et olivas fructiferas potius quam illas habere: illae enim ad voluptatem sunt, non ad utilitatem, et si qua sit utilitas, ea parva est. Tales sunt ii, qui sua solum spectant; imo ne tales

vital role of the laity in the Eucharistic celebrations. It was not the priest alone who gave thanks, he wrote, but the entire assembly of people together with the priest offered and partook of the Sacrifice of Christ. These beautiful words of Chrysostom were based on his deep awareness of the Church as the Body of Christ: we are all one body; we differ only as member differs from member; it is not the work of the priest alone to save the world, but rather is it the work and privilege of the common body; it is the effort of all those gathered together that contributes to the growth of the one body.² In thus stating these viewpoints, Chrysostom appeared to

quidem, sed ad ultionem solum apti. Nam illae arbores ad aedificium et ad rerum tutelam aptae sunt. Tales erant illae virgines, castae, ornatae, continentes; sed nemini utiles, ideo comburuntur. Tales sunt, qui Christum non nutriunt. Perpende autem neminem illorum de peccatis suis accusari, non quod fornicatus sit, non quod peioraverit, de nullo certe; sed quod alteri non profuerit. Talis erat ille, qui talentum defodit, inculpatam exhibens vitam, sed alteri non utilis. Quomodo, quaeso, Christianus sit qui talis est? Si fermentum mixtum farinae, non mutaverit totum in eandem conditionem, an fermentum vere fuerit? Quid vero, si unguentum accedentes non odore perfuderit, an id unguentum vocemus? Ne dixeris, Non possum alios inducere: nam si Christianus fueris, impossibile est ut non fiat. Nam ut ea quae in natura sunt contradictionem non habent: ita et haec quae didimus: in natura enim Christiani res sita est."--St. John Chrysostom, In Acta Apostolorum, Homil. XX, 4--Migne, Patrologiae Cursus Completus, Series Graeca (161 vols. in 166; Parisiis, 1857-1887), LX, 162, 163. (Hereafter cited as MPG.)

²"Jam in tremendis quoque mysteriis, ut sacerdos pro plebe, ita plebs pro sacerdote vota facit: haec enim verba,

be a strong echo of Cyprian, who had been equally intent on assuring the laity of their essential role in worship, and in the life of the whole Church.³

et cum spiritu tuo, nihil aliud quam hoc significant. Rursus ea oratio, qua Deo Gratiae aguntur, utriusque communis est: neque enim ipse solus gratias agit, sed etiam plebs universa. Nam cum prius illorum vocem sumpsit, atque illi assenserunt id digne ac juste fieri, tum demum gratiarum actionem auspicatur. Quid autem miraris, si cum sacerdote plebs interdum loquatur, cum etiam cum ipsis Cherubim ac supernis Virtutibus sacrosanctos illos hymnos communiter in caelum mittat? Haec porro cuncta eo a me dicuntur, ut unusquisque, etiam ex iis qui subsunt, advigilet; illudque intelligamus, nos omnes unum corpus esse, tantumque duntaxat inter nos differre, quantum membra a membris differunt: ac proinde ne omnia ad sacerdotes rejiciamus; quin potius nos ecclesiae totius, perinde ac communis corporis, cura afficiamur. Hoc enim et majorem securitatem affert, et majus virtutis incrementum nobis comparat. Audi quippe quomodo apostolorum tempore ipsi persaepe eos, quibus praeerant, consilii socios adhibebant. Nam cum septem diaconos crearent, ad plebem prius retulerunt; et cum Petrus Matthiam, de ea re cum omnibus qui tem aderant, tum viris quam mulieribus, agitavit. Neque enim hi qui praesunt fastum prae se ferre debent, nec qui subsunt, servi habendi sunt; verum spirituale imperium est, hoc praesertim nomine superiores partes obtinens, quod pro vestrae salutis cura plures labores suscipiat, non autem quod plures honores requirat. Etenim omnes, ut domum unam, sic ecclesiam habitare; ut unum corpus, ita affectos esse convenit: quaemadmodum et baptismus unum est, et mensa una, et fons unus, et creatio una, sic et Pater unus."--St. John Chrysostom, In Epist. II ad Corinthios, Homil. XVIII, 3--MPG, LXI, 527. (Emphasis added.)

³For example, Cyprian (200-258 A. D.) urged the laity to guide the minds of the lapsed, and to reclaim them to the faith; he indicated that the faithful were to be consulted on ecclesiastical matters; he also enunciated the principle that what concerns all, ought by all to be considered and decided. Cyprian seems to suggest that the laity are not to be considered merely advisors, but consistent with their active role in the life of the Church, also

Pope St. Leo I (d. 461 A.D.) provided witness in his writings that the consensus of the laity, though only one aspect of the active role of participation in the life of the Church, was nevertheless founded on an ancient tradition of the Church. His famous principle stated that one who is to be chosen to preside over all, should be chosen by all.⁴ This principle was incorporated into the canons of the Fifth Synod of Orleans (549 A.D.). Canon 10 of this Synod stated that the bishop was to be elected by the clergy and people with the assent of the king, and that their choice was then to be consecrated by the metropolitan, or proper bishop(s) as the case may be.⁵ Canon 11 prescribed that no one must be forced upon a diocese as bishop against the will of the citizens

competent to decide: "Quae res cum omnium nostrum consilium et sententiam spectet, praeiudicare ego et solum mihi rem communem vindicare non audeo."--Cyprian, Epistula XXVI--Corpus Scriptorum Ecclesiasticorum Latinorum (Vindobonae, 1866--), III, ii. Cf. also Epistulae XVII, XVIII, XXX, XXXI, LXVII--Op. cit.

⁴"Per pacem et quietem sacerdotes qui futuri sunt postulentur. Teneatur subscriptio clericorum, honoratorum testimonium, ordinis consensus et plebis. Qui praefuturus est omnibus, ab omnibus eligatur."--Leo I, Ep. X, Cap. VI--Migne, Patrologiae Cursus Completus, Series Latina (221 vols.; Parisiis, 1844-18[82]), LIV, 634. (Hereafter cited as MPL.)

⁵"Ut nulli episcopatum praemiis aut conparatione liceat adipisci, sed cum voluntate regis iuxta electionem cleri

and clergy, and that they may not be constrained by the powerful to assent to such an intrusion; furthermore, one who is intruded by force loses the episcopal dignity forever.⁶

The Third Synod of Paris (556 A.D.), in its eighth canon, ruled that no one must be forced upon the city as bishop unless he had been elected freely by the laity and clergy.⁷ However, these examples which represent an early tradition appear to be isolated in the midst of a growing trend to regard the active functioning of the laity as a concession granted by ecclesiastical authority. When Viventius, the Archbishop of Lyons, convoked the Council of Epaone in Burgundy (517 A.D.), he indicated in the letter that besides bishops, clerics were also

ac plebis, sicut in antiquis canonibus tenetur scriptum, a metropolitano vel, quem in vice sua praemiserit, cum conprovincialibus pontifex consecratur. Quod si quis per coemptionem hanc regulam huius sanctae constitutionis excesserit, eum, qui per praemia ordinatus fuerit, statuimus removendum."--Canon 10, Canones Conc. Avrelianense--Corpus Christianorum Series Latina (Turnhout, Paris, 1953--), CXLVIII, Concilia Galliae, 151. (Hereafter cited as CC.)

⁶"Item, sicut antiqui canones decreverunt, nullus invitis detur episcopus, sed nec per oppressionem potentium personarum ad consensum faciendum cives aut clerici [sic], quod dici nefas est, inclinentur. Quod si factum fuerit, ipse episcopus, qui magis per violentiam quam per decretum legitimum ordinatur, ab indepto pontificatus honore in perpetuo deponatur."--Canon 11, Canones Conc. Avrelianense--CC, CXLVIII, 152.

⁷"Nullus civibus invitis ordinetur episcopus, nisi quem populi et clericorum electio plenissima quesierit voluntate."--Canones Parisiaci, CC, CXLVIII, 208.

required to come to the Synod, and laymen were permitted to come; also, perfect impartiality and liberty of speech should prevail.⁸

There was likewise present at this time a rapidly growing sanction given to the idea that the laity held a somewhat less desirable place in the Church than did the clergy. The notion that the laity occupied a secondary position as members of the Church can be suggested upon consulting the various enactments of legislation contained in representative synods and councils. For example, the council of Epaone penalizes the clergy who have committed a capital offense by deposing them and confining them in monasteries, where for the duration of their lives, they receive only lay communion.⁹

8". . . praesenti protestatione denuntio conventum episcoporum omnium fortis nostrae, circa Septembris mentis initium, in Epaonensi paroecia mox futurum: ubi clericos, prout expedit, convenire compellimus; laicos permittimus interesse, . . . ut quae a solis Pontificibus ordinanda sunt, et populus possit agnoscere."--Mansi, Sacrorum Conciliorum Nova et Amplissima Collectio (53 vols. in 60; Paris-Leipzig-Arnheim, 1901-1927), VIII, 556. (Hereafter cited as Mansi.)

9"Si diaconus aut presbyter crimen capitale commiserit, ab officii honore depositus in monasterio retrudatur, ibi tantummodo quamdiu vixerit communionem sumenda."--Conc. Epaonense, Can. 22--CC, CXLVIII, 30. According to Hefele, the word "laica" to qualify "communio" is lacking in the text of this canon, but it stands correctly in the pretended 50th canon of Agde: "Si episcopus, presbyter, aut diaconus crimen capitale commiserint, aut cartam falsaverint, aut testimonium falsum dixerint, ab officii honore depositi in monasterio retrudantur, et ibi tantummodo, quamdiu vixerint, laicam communionem accipiant."--Council of Agde (506 A.D.), Can. 50--CC, CXLVIII, 225. Hefele states that 71

Hefele reports the canons of a Synod at Dovin, in Armenia, held in 527 A.D.¹⁰ Three of the thirty-eight canons are cited as evidence to indicate the overshadowing of an ancient tradition of the Church regarding the active role of the laity. Canon 4 reads: "Simony is forbidden, and a layman may not exercise ecclesiastical functions." Canon 31: "Laymen must not put forth orders in opposition to the ordinances of the priests." Canon 35 rules that "monks must not pass the night in the houses of people of the world, but when possible, always in a monastery; and when none is accessible, with the archpriest of the place."

canons were published at this council, and all were regarded as genuine by Gratian; Sirmondus however, considers only 47 as genuine. --Charles Joseph Hefele, A History of the Christian Councils, translated from the German and edited by William R. Clark (5 vols.; Edinburgh: T. and T. Clark, 1883-1896), IV, 76, III. Prefacing canon 50 in its cited place in CC: "Sententiae quae in veteribus exemplaribus conciliorum non habentur, sed a quibusdam in ipsis insertae sunt." Lay communion in this context does not refer to the Eucharist, but rather to association with the laity, i.e., those who were not members of the clerical state. This will be seen clearly in further citations.

¹⁰"The Theatine Clemens Galanus, celebrated for his protracted missionary activity in the East, as well as for his Historia Armena ecclesiastica et politica (1650), in this work gives an account of an Armenian Synod which the Catholicus Nerses of Ashtarag held, in the year 536, with ten bishops in the Armenian city Thevin (more correctly Dovin). At this Synod the doctrine of one nature in Christ was declared; the Council of Chalcedon, which the Armenians hitherto had recognized was rejected, and the Armenian schism begun. This relation of Galanus was followed by all the

The acts of the Synod of Orange (529 A.D.) were subscribed to not only by bishops, but also by several "illustrious" laymen. Two important points might be mentioned in this regard. The fact that synods and councils were first and foremost bishops' synods and councils can be suggested by a reference to the conclusion of the acts of this particular Synod, where it was conceded that the doctrine of grace there evolved and taught was "also wholesome for laymen."¹¹ The laity appear, within this context, to be considered almost as an afterthought, and that the signatures of the laymen reflected only a ceremonial gesture seems to be implied. It should also be noted that the laymen involved were not just ordinary laymen, but "illustres ac magnifici viri." The fact that

older scholars, particularly by Pagi (ad ann. 535, n. 13) and Mansi (t. viii, 871), until the famous Armenian national history by Tschamtschean appeared at Venice in the year 1785. In the second volume of this work (p. 237, sqq., and p. 527) a very complete account of our Synod is given, and a quantity of older notices relating to it collected. It is shown that the rejection of the Council of Chalcedon in question did not proceed from this Synod, but from other Armenian Synods. So early as the year 491, at the Synod held at Walarschapat under the Catholicus Babgen, the opposition of the Armenians to the Chalcedonian faith had begun; whilst the schism was not completed until the year 596 by a later Synod at Dovin under the Catholicus Abraham. Tschamtschean also removes our Synod to the year 527, and gives us the substance of thirty-eight canons there passed."--Hefele, A History of the Christian Councils, IV, 145.

¹¹"Et quia definitionem antiquorum patrum, nostramque, quae subscripta est, non solum religiosi, sed etiam laicis medicamentum esse et desideramus et cupimus; placuit ut eam etiam et illustres ac magnifici viri, qui nobiscum ad praefatam festivitatem convenerunt, propria manu subscriberent."--Mansi, VIII, 718.

these laymen participated in synods and councils, as Küng points out, provides a basis for only limited conclusions regarding the active role of the laity in this particular aspect of ecclesiastical life.¹² It should be recalled that these kings, princes, illustrious men, etc. were considered to have something of the sacred about their very persons. This sacred character brought them into identification more with the clergy than with the rank and file laity. It therefore seems necessary to draw rather cautious conclusions regarding the active participation of the laity in the synodal life of the Church based on the fact of the actual participation, to whatever degree, of these "lay potentates."¹³

¹²"Hence it is out of the question to speak of exclusive bishops' synods in connection with the ecumenical councils of antiquity. We should also not pass over in silence the fact that there was an ecumenical council presided over by a woman: the seventh ecumenical council (Nicea 787) was convoked and in part presided over by the Empress Irene (at which Charlemagne took umbrage). -- Hans Küng, Structures of the Church (New York: Thomas Nelson and Sons, 1964), pp. 79, 80.

¹³"Though we cannot discuss the question of the Byzantine emperors, we must, because of their influence on Western ideas, refer to the sacred character with which the emperor appeared to be invested and a certain imperial tradition of royal jus in sacra that was solidly established at Constantinople. Charlemagne, the Norman princes, the Germanic emperors, all took an effective hand in sacris. In that state of symbiosis between Church and temporal society that characterized Christendom, such a prince as

Both in expression and content, various enactments of provincial synods that were held in the late sixth century suggest that there was an ever increasing tendency to regard the laity in a negative manner. For example, the Third Synod of Orleans (538 A. D.) ruled that if anyone through pride neglected his office, he must be deposed to lay communion until he does penance.¹⁴ Penalties were more severe for the laity than for the clergy. The First Synod of Macon (Matisconensis I, 581 A. D.) prescribed that if anyone accused the innocent before the judges or the king, he was to suffer excommunication unless he happened to be a cleric,

Charlemagne indeed ruled the people of God; he convoked councils, promulgated canons and liturgical ordinances, made his capitularies proper church documents. He really ruled the Church in her ordinary life. It must be noticed, however, that common opinion, and the princes themselves, generally recognized a limit that must not be overstepped, that of divine law and dogma, the proper sphere of the priesthood. There is abundant evidence of this, and it can be found among the Germanic emperors, the Hohenstaufen, Frederick II himself, and in Ludwig of Bavaria: At councils, including those of the conciliar period (whose claims were more in favour of clerics and the learned than of the laity), no voice was given to laymen."--Yves Congar, O.P., Lay People in the Church, A Study for a Theology of Laity (Westminster: Newman Press, 1965), pp. 251, 252.

¹⁴Canon 19: "Si quis superbia elatus officium suum indignatione quacumque implere noluerit, juxta statuta priora laica communione contentus, ab ordine depositus tamdiu habeatur, quamdiu digna, sicut scriptum, poenitentia et supplicatione satisfecerit praesidenti pontifici."--Mansi, IX, 117. Cf. Supra, p. 7, esp. n. 9.

in which case the penalty would be deposition until satisfaction had been rendered.¹⁵ The minutes of a Roman Synod held on July 5, 595 A.D. were found among the letters of Gregory the Great. According to these minutes, an ordinance was enacted which provided that laymen shall no longer be employed in the service of the person of the Pope, as had been the case for some time, but only cléricks or monks.¹⁶

Very strong evidence is provided by the canons of the Council of Trullo (692 A.D.) which indicates that the state of the laity was held in lower esteem than the clerical, and which supports the suggestion of an increasing passivity on the part of the laity in their role as members of the Church. Canon 21 of Trullo,

¹⁵Canon 18: "De his vero qui innocentes aut principi, aut iudicibus accusare convicti fuerint, si clericus honoratior fuerit, ab officii sui ordine regradetur; si vero saecularis communione privetur, donec malum, quod admisit, per publicam poenitentiam digna satisfactione componat."--Mansi, IX, 935.

¹⁶"Verecundus mos torpore indiscretionis inolevit, ut huius sedis pontificibus ad secreta cubiculi servitia laici pueri ac saeculares obsequantur, et cum pastoris vita esse discipulis semper debeat in exemplo, plerumque clerici qualis in secreto sit vita fui pontificis nesciunt, quam tamen, ut dictum est, pueri sciunt saeculares. De qua re praesenti decreto constituo, ut quidam ex clericis, vel etiam ex monachis electi, ministerio cubiculi pontificalis obsequantur."--Epist. XLIV--Mansi, IX, 1226.

sometimes called Quinisext,¹⁷ ruled that those who have been degraded to the lay state, if they voluntarily forsake their sin, may cut their hair after the manner of clerics. In the other case, they must wear their hair like laymen.¹⁸ Canon 64 decreed the principle that no layman may publicly, in religious services come forward as a speaker or teacher, under penalty of excommunication for forty days.¹⁹ Canon 69 prohibited laymen from entering the place where the altar stood, except, according to ancient tradition,

¹⁷Due to the fact that this council was viewed as a completion of the fifth and sixth ecumenical synods. These two ecumenical synods issued only dogmatic decrees, whereas Trullo completed this work by promulgating disciplinary canons. Thus Hefele, op. cit., V, 221.

¹⁸"Qui canonice quorundam criminum rei facti, et propterea perfectae ac perpetuae depositioni subjecti, in laicorum locum detrusi sunt, siquidem ad conversionem sua sponte respicientes peccatum deflent, propter quod a gratia exciderunt, et ab eo se penitus alienos efficiunt, clerici habitu tondeantur. Sin autem non sua sponte hoc elegerint, comam sicut laici nutrant, utpote qui mundanam conversationem vitae coelesti praeponuerint."--Mansi, XI, 951-954.

¹⁹"Quod non oportet laicum publice disputare vel docere, docendi auctoritatem ex eo sibi vindicantem, sed ordini a domino tradito cedere; et aurem iis, qui docendi gratiam acceperunt, aperire; et divina ab eis doceri. In una enim ecclesia diversa membra fecit Deus, ut est vox apostoli. Quam aperte interpretans Gregorius theologus, eum qui in iis est, ordinem commendat, dicens: Hunc ordinem revereamur fratres, hunc servemus. Hic quidem sit auris, ille vero lingua: hic autem

the Emperor when he brought an offering.²⁰ The Second Ecumenical Council of Nicea (787 A.D.) incorporated these disciplinary norms of Trullo which have been cited.

The Decretum of Burchard of Worms (1008-1012 A.D.) was compiled primarily for the purpose of defending papal primacy and the autonomy of the Church from encroachment on the part of the secular powers. The canons dealing with the laity were consistent with the ever growing awareness that the Church exercised power in its own right. The Decretum emphasized, therefore, the preservation of the authority of the hierarchy, whose responsibility it was to exercise that power. The apostolic witness to the mission of Christ, manifested in part through the active participation in the life of the Church by the laity, appears almost non-existent in the

manus, hic vero aliquid aliud: hic quidem doceat, ille vero discat. Et paulo post: Et discens in docilitate, et suppeditans in hilaritate, et ministrans in alacritate. Ne simus omnes lingua, quod est promptius: ne omnes apostoli, ne omnes prophetae, ne omnes interpretemur. Et post quaedam. Cur te pastorem facis, cum sis ovis? Cur caput efficeris, cum sis pes? Cur imperator esse conaris, cum relatus sis in numerum militum? Et alibi: Jubet sapientia, ne sis velox in sermonibus, ne cum sis pauper, una cum divite extendaris; ne quaeras sapientior. Si quis autem praesentem canonem labefactans deprehensus fuerit, quadraginta diebus segregetur."--Mansi, XI, 971, 974. (Emphasis added.)

²⁰"Nulli omnium liceat, qui quidem sit in laicorum numero, intra septa sacri altaris ingredi, nequaquam tamen ab eo prohibita potestate et auctoritate imperiali, quandoquidem

present development of the Church's self-awareness, as represented by the work of Burchard. Included in the *Decretum* were ideas, incorporated within a legal framework, such as these:

- (1) the laity shall not dare to "teach," or voice their opinions in a synod, except insofar as they are allowed by the clergy;²¹
- (2) the laity are not to be involved in the internal or canonical affairs of the Church;²²
- (3) the laity have nothing to contribute as regards the teaching of the Church, and their consensus should not be sought unless they are "qualified";²³
- (4) if one should question the decree of a bishop, or violate his decree, he suffers exclusion from the Church.²⁴

voluerit creatori dona offerre, ex antiquissima traditione."--Mansi, XI, 974. With regard to the wording of this canon, Hefele suggests that ancient tradition and the truth of Canon 69 are not synonymous. --*Op. cit.*, V, 233.

²¹"Ut laici in synodo, nisi clericis iubentibus, docere non audeant."--Burchard of Worms, *Decretum*, Lib. XV, *De Laicis*, cap. 12--*MPL*, CXL, 896, 897.

²²"Quando canonica ventilantur, nisi sint religiosi, laici non intersint."--*Loc. cit.*

²³"Docendus est populus, non sequendus: nosque si nesciunt quod liceat, quidve non liceat commonere, non his consensum praeberere debemus. Quisquis vero conatus fuerit tentare prohibita, sentiet censuram canonicam."--*Op. cit.*, cap. 13.

²⁴"Si quis venerit contra decretum episcopi, ab Ecclesia abjiciatur."--*Op. cit.*, cap. 14.

Anselm, Bishop of Luca (ca. 1083 A.D.) dealt with the matter of elections by the people. Although he stated that it was proper that the bishop of a diocese be elected by the clergy and laity,²⁵ he indicated that the iudicium of the bishops was necessary, since they were in a position to rule concerning the faith and spiritual life of the candidate.²⁶ Cyprian had previously acknowledged the right of the people to elect their bishop, since, according to his understanding, they were in the best position to judge concerning these same qualifications of the candidate.²⁷

²⁵"Ut ex propria diocesi a clero et populo episcopi eligantur. Sacrorum canonum non ignari, ut in Dei nomine sancta ecclesia suo liberius potiatur honore, assensum ordini ecclesiastico prebemus ut scilicet episcopi per electionem cleri et populi secundum statuta canonum de propria diocesi, remota personarum et munerum acceptione, ob vitae meritum et sapientiae donum eligantur, ut example et verbo sibi subiectis usque quaque prodesse valeant."--Anselm of Luca, Collectio Canonum una cum Collectione Minore, ed. F. Thaner (Oeniponte: Librariae Academicæ Wagnerianæ, 1906), Lib. III, cap. 42.

²⁶"Non licet populo electionem facere per se eorum, qui ad sacerdotium provocantur, sed iudicio episcoporum esse debet, ut ipsi eum qui ordinandus est probent, si in sermone et fide et spirituali vita edoctus sit."--Op. cit., Lib. VI, cap. 9. "Nec novum nec reprehensibile est in eligendo episcopo populi se vota in duas partes dividere. Sed grave est, quando in huiusmodi causis non ex iudicio sed ex solo favore venit electio."--Op. cit., Lib. VI, cap. 10. (Emphasis added.)

²⁷"Propter quod diligenter de traditione divina et apostolica observatione servandum est et tenendum quod apud nos

The famous Cyprian principle decreed that what concerned all, ought by all to be considered and decided.²⁸

The status of laymen in relation to the hierarchical members of the Church was also formulated by Anselm. It appears evident that the distinction between the clergy and the laity reflected the absence of an active participation in the life of the Church on the part of the faithful; the present hierarchical structure of the Church, at least as it appears from representative canonical sources of the period, precluded any active apostolic role since the laity were now considered as passive, "to be saved," "to be blessed," "to be corrected."²⁹ The emergence of Canon Law as

quoque et fere per provincias universas tenetur, ut ad ordinationes rite celebrandas ad eam plebem cui praepositus ordinatur episcopi eiusdem provinciae proximi quique convenient et episcopus deligatur plebe praesente, quae singulorum vitam plenissime novit et uniuscuiusque actum de eius conversatione perspexit."--Cyprian, Epistula LXVII--Corpus Scriptorum Ecclesiasticorum Latinorum (Vindobonae, 1866--), III, ii.

²⁸Epistula XXVI, supra, p. 4, n. 3. The noun "sententia" and the verb "praeiudicare," read in context in the enunciation of this principle, appear to leave little doubt that "iudicium" was meant by Cyprian to be included in the common decision.

²⁹"Ipsi enim qui proprio ore corpus Domini conficiunt, ab omnibus obediendi et timendi et non dilacerandi sunt aut detrahendi, quia (a) quibus se Domini populus benedici et salvari et instrui cupit, nullatenus eos debet arguere nec vulgus in eorum accusatione suscipi.

a separate and distinct science, detached from any dependence on Theology and Sacred Scripture, resulted in the solidification of this passive status now characteristic of the laymen, much after the manner in which status was legislated according to the norms of Roman Law.

Summary

During the period between the fifth and eleventh centuries, representative canonical sources suggest that the Church in the West possessed a developing self-awareness that tended to emphasize a vertical ecclesiastical structure. As a consequence, the hierarchy and clergy gradually assumed the entirety of the active role in the life of the Church consistent with the higher status and dignity that they possessed in relation to the laity. The apparent stress on the external dignity of the hierarchy and clergy, together with the more exalted status proper to them, was also, at least partially, the result and reflection of a cross-relation between the Church and the State in which the mission and function of each became intertwined, with the consequent result that certain imperial aspects of power and prestige were attributed to the hierarchical

Populus enim ab eis docendus est et corripiendus, non ipsi ab eo, quia non est discipulus super magistrum."--Anselm of Luca, op. cit., Lib. III, cap. 13.

members of the Church. On the other hand, certain sacerdotal prerogatives were assumed by the secular rulers, who, in virtue of this fact, participated in a definite, though perhaps limited way in certain aspects of ecclesiastical life. An example of this active participation on the part of these lay-potentates is provided in the synodal life of the Church.³⁰ Although it can be suggested that the civil rulers represented the laity in many instances, the canonical sources nevertheless appear to sustain the conclusion that the rank and file lay members themselves did not exercise an active role in the internal ecclesiastical affairs of the Church. Throughout the course of these centuries, the state of the laity was held in less esteem in comparison with the clerical state, and this lack of esteem is mirrored in the canonical legislation of the period.

This rather negative view of the laity was continued and even strengthened by the increasing growth of papal prestige, to which end the pre-Gratian canonists wrote and compiled their

³⁰Supra, pp. 9, 10. "Infinite cross-relations between Church and State, active in every century of the Middle Ages, produced hybrids in either camp. Mutual borrowings and exchanges of insignia, political symbols, prerogatives, and rights of honor had been carried on perpetually between the spiritual and secular leaders of Christian society. . . . These borrowings affected, in the earlier Middle Ages, chiefly the ruling individuals, both spiritual and secular, until finally the sacerdotium had an imperial appearance and the regnum a clerical touch."--Ernst H. Kantorowicz, The King's Two Bodies--A Study in Mediaeval Political Theology (Princeton, N. J.: Princeton University Press, 1957), p. 193.

collections. Under the pontifical majesty of the Pope, also styled "Prince" and "true emperor," the hierarchical structure of the Church tended to become "the perfect prototype of an absolute and rational monarchy on a mystical basis."³¹ As a consequence, the active participation of the laity in the life of the Western Church was diminished considerably.

³¹Kantorowicz, op. cit., pp. 193,194.

CHAPTER II

THE ROLE OF THE LAITY IN THE CHURCH OF THE MIDDLE AGES: THE ELEVENTH TO SIXTEENTH CENTURIES

It is difficult to draw meaningful conclusions from the many legal texts which sustain the passive role of the laity in the life of the Church during this period, unless the historical realities which fostered those expressions are examined. Possibly the single most important consideration in this regard was the structure of Christian society at this time. The one cosmic reality from which all other earthly structures derived their meaning for existence was the Church, understood to be the City of God. Within this City, whose one King was Christ, two distinct powers, the divine and the human, coexisted side by side, as it were, two sides to the same body. Stephen of Tournai expressed this idea in his Introduction to the Summa, where he stated that two orders, that of the

clergy and that of the laity, correspond to the divine and human sides of the one City, the consequence of these two orders being that the one is spiritual, the other carnal.¹ It appeared that both the spiritual and the temporal powers should function therefore as separate entities, each in its own proper sphere. This was not quite the case, since the temporal side of the City, being "fleshly," was considered less in the order of dignity, and was therefore subject to the jurisdiction of the spiritual. The temporal, then, existed solely to serve the ends of the soul of society, the spiritual sphere, which in the medieval conception of society was identified with the clergy.² During this period of history, the controversy

¹"In eadem civitate sub eodem rege duo populi sunt, et secundum duos populos duae vitae, secundum duas vitas duo principatus, secundum duos principatus secundum duos principatus duplex iurisdictionis ordo procedit. Civitas ecclesia; civitatis rex Christus; duo populi duo in ecclesia ordines: clericorum et laicorum; duae vitae: spiritualis et carnalis; duo principatus: sacerdotium et regnum; duplex iurisdictio: divinum ius et humanum."--Introductio, *Die Summa des Stephanus Tornacensis über das Decretum Gratiani*, ed. J. F. von Schulte (Giessen: Verlag von Emil Roth, 1891) p. I. (Hereafter cited as Summa.)

²"According to canonistic doctrine the term spiritual embraces everything that pertains to the soul: the antithesis is the corporeal. Although at first sight the spiritual power may be said to confine itself to purely spiritual, and the temporal to purely temporal things, the task of the secular ruler does not, however, exhaust itself in the purely mundane administration of his State. For, provided that the secular power fulfils its task properly, it must direct its attention to the spiritual well-being of its subjects,

between Church and State or between papacy and empire can be viewed legitimately as the "political aspect of the ancient antagonism between mind and matter."³ The soul of man existed directly to serve God. The body, however, served God indirectly insofar as it served the soul. The purpose of the body was secondary compared to the purpose of the soul. Therefore the purpose of the temporal was considered as also secondary when one considered the purpose of the spiritual. The idea was formulated in the writings of St. Thomas Aquinas, who employed his conclusion as a basis for any spiritual authority to thrust himself into temporal affairs.⁴ The spiritual realm, therefore, being the more noble part of the City of God, claimed for itself complete and ultimate jurisdiction over the entire world. The greater dignity of the

that is, to direct them 'principally and eventually' into the paths of virtue. This function belongs, however, to the realm of the spiritual. Every secular power should see its main function in providing the conditions most conducive to happiness."--Walter Ullmann, Medieval Papalism--The Political Theories of the Medieval Canonists (London: Methuen and Co., Ltd., 1949), p. 82.

³Ullmann, op. cit., p. 81.

⁴"Potestas saecularis subditur spirituali, sicut corpus animae, ut Gregorius Nazianz. dicit orat. 17; et ideo non est usurpatum iudicium, si spiritualis Praelatus se intro-mittat de temporalibus quantum ad ea in quibus subditur ei saecularis potestas, vel quae ei a saeculari potestate relinquuntur."--St. Thomas Aquinas, doctoris angelici Ordinis

spiritual, its greater worth, proceeded from the understanding that this realm alone was principally orientated by the influence of divine grace, while the temporal realm, being matter, carnal, and existing only to serve the spiritual, appeared to be, in a very real and unfortunate sense, outside of Christ's fold.⁵ It is, perhaps,

Praedicatorum Opera Omnia ad fidem optimarum editionum accurate recognita, sec. impressionem Petri Fiaccadori, Parmae: 1852-1873 (25 vols.; New York: Musurgia Publishers, 1948); III, II, ii, q. 60, a. 6 (ad tertium). Ullmann states that the reference of St. Thomas to St. Gregory is not corroborated, since all that Gregory said was "quod enim corpori cibus est, hoc in animo est sermo."--MPG, XXXV, 966. Cf. Ullmann, op. cit., p. 82, n. 1. The Ottawa edition of St. Thomas' Summa omits the reference to St. Gregory. Cf. Bibliography.

⁵"The decision to assign greater worth to the spiritual than to the temporal affords an instance in which the canonists were in complete agreement. They argued in the manner of a typical petitio principii that although both were ultimately derived from God (Rom. 13:1), the spiritual could claim a worthier mode of divine descent than the temporal. The superiority of the spiritual was, secondly, deduced from the consideration that it furnished a better and more appropriate equipment for attaining man's goal than its temporal counterpart. To all seeming, the strongest reason for the superiority of the spiritual appeared to lie in the difference of the aspects of man with which either power had to deal. It was man in his natural and corporal state who was subjected to the temporal authority, whilst the object of spiritual power was man perfected by grace, that is to say, man who had become a member of Christ and a son of God. This difference in the conception of man, the one viewing him as a material and corporeal lump, the other as a dignified member of Christ's fold, illustrated the relative position of either power."--Ullmann, op. cit., pp. 82, 83. Carlyle draws a somewhat different conclusion: "Secular government, they hold [i.e., the medieval canonists] is an institution which represents the divine authority; it is sacred, and the man who sets it at naught is really guilty of setting at naught the authority of God Himself . . . it is very clear, then, that the canon

a relatively simple matter to understand in what manner the Pope came to be known as the "Vicar of God," and how the emperor was a ruler to be moulded by the spiritual power of the Roman Pontiff in order that the temporal side of the Christian body-politic could function adequately as the servant of the Church. This same view was logically applied to the structure of society.⁶ Two separate bodies, corresponding to the "body" and "soul," comprised the Christian commonwealth. These were, respectively, the laity and the clergy. Men were not considered as equal, not even fundamentally as Christians. "Equality would militate against the natural order."⁷ The canonists of the Middle Ages overreached

lawyers of these times held that the secular and civil power is a Divine institution and represents the Divine authority. Whatever may have been said and meant in the course of the great conflict between the Empire and the Church which might seem to indicate a disposition to doubt the Divine nature of the civil authority, nothing of the kind has been admitted into the canon law or is suggested by the commentators."--R. W. Carlyle and A. J. Carlyle, A History of Mediaeval Political Theory in the West (6 vols.; Edinburgh-London: William Blackwood and Sons, 1903-1936), II, 145, 146, 148.

⁶Ullmann, op. cit., p. 97.

⁷Ullmann, op. cit., pp. 97, 98. "Intellige, ordo enim naturae est, quod non omnes sint equales." The clerical order stood on a higher plane than its laical counterpart, as the Hungarian canonist, Damasus, succinctly stated: 'Ordo clericorum dignior est coetu laicorum.' . . . 'Clerus' and 'populus' were therefore two distinct bodies, each with a different calling ('diversa professio'). "--Loc. cit.

themselves in showing how Christian society faithfully mirrored the contrast between the soul and the body, and how much more inferior the laity were in comparison to the clergy.⁸

Consistent with this view of the medieval Christian commonwealth was the celebrated passage from the Decretum of Gratian (1140 A.D.), Duo sunt genera, which summed up completely the relationship between the clerical and lay members of the Church, and which served as the foundation on which all future canonists would elaborate, to the continued detriment of the layman. The text stated that there are two classes of Christians. The clergy are those who are chosen by God, who are given to heavenly matters, who are devoted to God and who form the crown that is placed on the head. The laity, on the other hand, are the people who, because of their weakness and lack of total commitment to God, have taken a wife, farm the earth, judge themselves in the temporal affairs of everyday life, give offerings to the Church, and, if they are fortunate enough to overcome the vices to which they are subject, can possibly be saved. Their life is viewed mainly as a concession:

Duo sunt genera Christianorum. Est autem
genus unum, quod mancipatum divino offitio,

⁸Ullmann, op. cit., p. 98.

et deditum contemplationi et orationi, ab omni strepitu temporalium cessare convenit, ut sunt clerici, et Deo devoti, videlicet conversi. **Κληρος** enim grece latine sors. Inde huiusmodi homines vocantur clerici, id est sorte electi. Omnes enim Deus in suos elegit. Hi namque sunt reges, id est se et alios regentes in virtutibus, et ita in Deo regnum habent. Et hac designat corona in capite. Hanc coronam habent ab institutione Romanae ecclesiae in signo regni, quod in Christo expectatur. **Rasio** [sic] vero capitis est temporalium omnium depositio. Illi enim victu et vestitu contenti nullam inter se proprietatem habentes, debent habere omnia communia. Aliud vero est genus Christianorum, ut sunt laici.

Λαός enim est populus. His licet temporalia possidere, sed non nisi ad usum. Nichil enim miserius est quam propter nummum Deum contempnere. His concessum est uxorem ducere, terram colere, inter virum et virum iudicare, causas agere, oblationes super altaria ponere, decimas reddere, et ita salvari poterunt, si vicia tamen benefaciendo evitaverint.⁹

In Causa XVI of Gratian's Decretum there is included a canon from the Second Synod of Seville (Can. IX, Concilium Hispalense II, held in 619 A.D., which forbade laymen to occupy high administrative positions in the diocese for the bishop. The reason given for this prohibition was the many abuses of the day which were felt to be the result of the fact that powerful laymen held control of ecclesiastical property and goods. This canon demon-

⁹c. 7, C. XII, q. 1.

strates forcefully the prevailing negative attitude towards the laity. This negative view of the laity on the part of the members of the clerical state was strengthened in virtue of the reason given to sustain this view: it was unbecoming and unsuitable for the layman to occupy such offices because it would upset the natural order to have the clergy in any way ruled by the laity. Laymen were considered as a distinct and different "profession" from the clergy, and therefore it would be contrary to the divine law to have associations between the two opposing professions. "Profession" in this context was meant to convey the public acknowledgment or declaration of one's person or occupation. Laymen therefore differed from the clergy in quality, character, and in the very condition or state of their life.¹⁰

¹⁰"Nona actione didicimus, quosdam ex nostro collegio contra mores ecclesiasticos laicos habere in rebus divinis constitutos yconomos. Proinde pariter tractantes elegimus, ut unusquisque nostrum secundum Calcedonensium Patrum edicta ex proprio clero yconomum sibi constituat. Indecorum est enim laicum vicarium episcopi, esse et viros ecclesiasticos iudicare. In uno enim eodemque offitio non debet dispar esse professio. Quod etiam in lege divina prohibetur, dicente Moyse: 'Non arabis in bove simul et asino,' id est: homines diversae professionis in uno offitio simul non sociabis. Unde oportet nos in divinis libris, et sanctorum Patrum obedire preceptis, constituentes, ut qui in administrationibus pontificibus sociantur, nec professione discrepent, nec habitu. Nam coherere et coniungi non possunt quibus et studia, et vota sunt diversa. Si quis autem episcopus posthec ecclesiasticam rem aut laicalem procuracionem administrandam elegerit, aut si testimonio yconomi gubernandam

Because of the inferior state in which the laity was placed, it was understood that they would have no power, no standing, and no active role in the life of the Church. The canonists made it clear that highly undesirable situations could arise if laymen were allowed to vote, make a decision, or to have an opinion when the matter of ecclesiastical affairs was involved.¹¹ This view was sustained by the medieval understanding of the divine law. It was felt to be an expression of the divine will that the hierarchy were constituted above the laity in every respect. The greater

non crediderit, vere ut contemptor canonum et fraudator ecclesiasticarum rerum non solum a Christo de rebus pauperum iudicabitur reus, sed etiam concilio manebit obnoxius."--c. 22, C. XVI, q. 7. Cf. Deut. 22: 10; Mansi, X, 560. A gloss on the word "habitu" in this canon suggests that the more one differs from another in outward appearance, the more difficult it is to work together, and even to live together. In fact, difference in outward appearance can even generate scandal, when such dissimilarities are combined in a similar existential situation. One's habitus signifies one's whole approach to life. It seems remarkable that Christians could consider themselves so fundamentally opposed to one another, simply in virtue of the fact that some were members of the clerical state, others members of the lay state: "Num quid ergo albus monachus potest esse monachus inter nigros? Videtur quod non: quia quilibet confirmabit se moribus eorum inter quos vivit, ut 41 dist. quisquis nam ex diversitate habitus scandalum generatur . . . Econtra videtur quod non est ibi dispar professio, cum tantum monachalis professio sit ibidem H(uguccio) concedit. tamen quanto magis se possunt tales conformari aliis in exteriori habitu, hoc faciant, ne scandalum fiat."--Glossa ordinaria on c. 22, C. XVI, q. 7, v. nec habitu. The reference to "white" and "black" monks refers to the strife that had existed between the Benedictines and the Cistercians as to how their life of witness should be led.

¹¹"Non placuit, laicum statuendi in ecclesia habere

were not able to be judged by the lesser. The whole apostolic life of the Church was entrusted to the members of the hierarchy and clergy. They carried the burdens of all.¹² Rufinus, one of the Decretists, echoed the same thoughts, namely that the laity were to have no voice or active role in ecclesiastical affairs.¹³

One idea that was very strongly embedded in the writings of the medieval canonists was included also in the Decretum of Gratian. In addition to the assertion that the laity was not of the same "conversation" as the clergy, a reference which included the notion that the clergy's commitment to Christ was

aliquam potestatem, cui subsequendi manet necessitas, non auctoritas imperandi."--c. 23, C. XVI, q. 7.

¹²"In sancta Nicena synodo statutum est, ut nemo anathematizatus in nostra suscipiatur accusatione, nec illi, qui nos in sua accusatione nolunt recipere, cum nos super illos sciamus a Domino constitutos, non illos super nos, et sicut maior non potest a minore iudicari, ita nec colligari, quia rarum est omne quod magnum est. Portamus onera omnium, qui gravantur, quin imo hec[sic] portat in nobis B. Petrus apostolus, cuius vice fungimur legatione, et cuius regula informamur, quatinus eius fulti auxilio nunc et in perpetuum ab omnibus tueamur adversis." --c. 4, C. II, q. 7. "In sancta, nec illi, i.e., laici."--Summa Parisiensis on the Decretum Gratiani, ed. T. P. McLaughlin (Toronto: Pontifical Institute of Medieval Studies, 1952), at c. 4, C. II, q. 7, p. 113.

¹³". . . nulli laico non solum de ordinibus sed nec de aliquibus rebus ecclesiasticis disponendis nulla sit attributa licentia vel potestas; et maxime, quia apostolicus, cum sit maior augusto, non ab eo iudicari, sed eum iudicare debet. Sed hoc verum est, cum illud quod laici de ecclesiasticis negotiis statuunt,

stronger and more perfect in that they had not succumbed to the weakness of taking a wife, it was also emphasized that laymen were hostile and exceedingly dangerous to the members of the spiritual estate.¹⁴ Boniface VIII (1294-1303) even went to the point of asserting that from time immemorial the laity had been hostile towards the clergy, and for that matter, still were.¹⁵ Since this extremely dark view of the laity was firmly entrenched in the

apostolica auctoritate minime roboratur."--Rufinus, Die Summa Decretorum, ed. H. Singer (Paderborn: Druck und Verlag von Ferdinand Schöningh, 1902), at c. 1, D. XCVI, pp. 191, 192.

¹⁴"Laicos non accusasse episcopos hactenus observatum et constitutum est, quia non sunt eiusdem conversationis, et oppido eis quidam existunt infesti, quippe cum vita eorum et conversatio debeat esse secreta et a laicorum actibus remota nec ab his inpeti debent, qui eorum castitatem et gravitatem nolunt imitari, maxime cum eos in suis nolunt recipere accusationibus." --c. 5, C. II, q. 7. It seems that in canonical tradition the episcopal office was considered totally apart from the affairs of the laity, and that as a consequence, the layman had no calling to correct a bishop, or to bring any type of pressure to bear upon him. It was felt that the layman did not possess the chastity, nor sufficient gravity to warrant such a calling. This same idea is reflected in canon 14, where it is stated that the bishops would suffer an indignity if they were accused by one who was hostile, lacking in chastity, and sufficient gravity, i.e., the layman. --c. 14, C. II, q. 7.

¹⁵"Clericis laicos infestos oppido tradit antiquitas, quod et praesentium experimenta temporum manifeste declarant, dum suis finibus non contenti nituntur in vetitum, ad illicita frena relaxant, nec prudenter attendunt, quam sit eis in clericos eccles-

public collections of the law, the Decretalists took up the theme and perpetuated it in their writings.¹⁶ Had there been a developed ecclesiology in the Church at this period of time, the attitude towards the layman might have taken an entirely different course. As it was, his presence in the Church was seemingly tolerated, his status was considered inferior to the clergy, and the general view prevailed among the canonists that the layman was much

iasticasve personas et bona interdicta potestas, ecclesiarum praelatis, ecclesiis, ecclesiasticisque personis regularibus et saecularibus imponunt onera gravia . . ."-c. 3, III, 23, in VI^o. Congar adds that "it was a mournful epoch when a pope himself could declare in a solemn bull that from early times, and then more than ever, laymen were hostile towards the clergy."--Op. cit., p. 39, n. 2.

¹⁶"Quia plerumque tamen sunt crudeles laici, et tam terribiles, quod ecclesia non audet mutire [sic] . . . et nobis oppido sunt infesti."--Hostiensis, Commentaria in libros decretalium (6 vols.-in 4; Venetiis, 1581), III, 99, at c. 17, X, III, 30. (Hereafter cited as Commentaria.) "Quia laici nobis oppido sunt infesti . . . et mille modos habent defraudandi nos, et subtrahendi ecclesiae iura sua. . ."-Hostiensis, Commentaria, IV-VI, 26, at c. 44, X, V, 3. This particular text would seem to suggest that for the clergy, the Church was a reality apart and distinct from the laity, in a sense that was very real. For additional citations of the medieval canonists regarding the same theme, see Ronald J. Cox, A Study of the Juridic Status of Laymen in the Writing of the Medieval Canonists, The Catholic University of America Canon Law Studies, No. 395 (Washington, D.C.: The Catholic University of America Press, 1959). Cox has concluded that "the description of the two classes of Christians given by Gratian at C. XII, q. 1, c. 7 [Duo sunt genera] provided the medieval canonists with their basic definitions of the clerical and lay states. The lay state was . . . described only in a negative way, by contrasting the layman's activities with those of the faithful who were called to a life of perfection, the clerics and religious."--Op. cit., p. 92.

more of a problem to be dealt with than the cleric. It was felt that all that the layman succeeded in accomplishing was to place heavy burdens on the Church.¹⁷

As with other matters pertaining to ecclesiastical affairs, the layman's role in elections was altered also. Elections were considered by Gratian to be the sole affair of the hierarchy, and the role of the laity was to assent humbly.¹⁸ It was logical that the canonists should view the active participation of the laity in elections and other ecclesiastical business in this negative manner, since the clergy were considered as possessing more dignity as regards their persons than the laity, just as the sacraments which pertained to the clergy were thought of as having more dignity than the sacraments which were orientated towards the life of the faithful, e.g., matrimony.¹⁹ The principles of Cyprian

¹⁷"... clerici magis sunt subditi sibi, et obedientes ad invicem, quam laici clericis."--Hostiensis, loc. cit. "... cum laici magis consueverint gravare ecclesiam quam clerici vel religiosi."--Boich, Commentaria in Quinque Decretalium Libros (Venetiis, 1576), at c. 8, X, III, 38.

¹⁸"Sacerdotum enim (ut in fine superioris capituli Stephani Papae legitur) est electio, et fidelis populi est humiliter consentire."--Dictum post c. 25, D. LXIII.

¹⁹"Sicut laicorum ordine dignior est ordo clericorum, sic et sacramenta specialiter ad clericos pertinentia sacramentis ad laicos pertinentibus sunt digniora. Inde est, quod magister Gratianus maiora minoribus praeponens, prius de sacramentis

were developed along lines which considered the clergy to be the sanior part of the Church, and as a consequence, their voice was considered as representative of the whole body of the faithful. It was felt that the laity would always assent to what the clergy desired.²⁰

In addition to the political theories surrounding the Christian commonwealth of the late Middle Ages, the esteem in which the science of canon law was held has to be taken into account also. Canon law was considered, without any doubt, to be the queen of the sciences. "Canonistic scholarship was put on a pedestal, and it looked down on all other branches of learning and human knowledge, including theology, with that feeling of superiority that springs from the deep conviction of possessing inherent and intrinsic value."²¹ Hostiensis commented that canon law, as a science distinct from every other science, embraced them all, and excelled them all. Every other kind of law came

et negotiis clericorum diligenter tractavit, deinde ad illud sacramentum, quod praecipue celebratur a laicis, i.e., matrimonium, transitum facit."--Stephen of Tournai, Summa, at C. XXVII, p. 231.

²⁰"The principle of majority was merely a logical offshoot of the idea 'Quod omnes tangit,' on the presupposition that what the 'sanior' or 'valentior pars' decided, had the same effects as if 'omnes' had consented."--Ullmann, op. cit., p. 24. Cf. supra, Ch. I, pp. 4, 5.

²¹Ullmann, op. cit., p. 26.

under its sway. All were held to receive and hold firmly to the decrees of the canonists, since it was felt that such a discipline was in a position to solve all spiritual and temporal problems.²²

As a result, every trace of individual decision and discretion was condemned and forbidden. The guide to be followed in all matters was the authority of the law and its science.²³ Indeed, since canon law dealt with every aspect of human life, and made the claim that this was within its proper sphere, it can, perhaps, be readily understood why statements were made, even by a pope, to the effect that canon law was of divine inspiration, and hence, could not be altered; even the statements of the Fathers were not to be preferred to the dicta of the law.²⁴ Gratian himself, while

²²"Item theologicam, sub qua possunt comprehendi eadem leges scilicet lex naturalis, civilis et ius gentium, necnon lex Mosaica, lex prophetica, lex evangelica, lex apostolica. Sed et haec omnia, lex canonica, immo et omne ius comprehendit sive sit divinum, sive humanum, publicum vel privatum . . . Est igitur haec nostra scientia, non pure theologica, sive civilis, sed utrique; participans nomen proprium sortita, canonica vocatur, sicut ius emphyteuticum, non est venditio, nec locatio, sed contractus per se utrique . . . sed canonica videtur praecellere, nam si hoc bene intelligatur et sciatur, per eam tam spiritualia quam temporalia regi possunt, ideo debet ab omnibus recipi et teneri . . . et aliis scientiis praeponenda."--Hostiensis, Prooemium Summa Aurea (Venetiis, 1570), II, fol. 6.

²³Ullmann, op. cit., p. 28

²⁴"That the things pertaining to the mind, the 'spiritualia,' were on a higher level than those belonging to the

acknowledging the supreme place occupied by the Sacred Scriptures, nevertheless considered the enactments of canon law to be followed in preference to the dicta of the scripture scholars. It can perhaps be suggested that in this sense, canon law even excelled Sacred Scripture in the minds of the medieval lawyers.²⁵

It appears to be clear, therefore, that disciplinary and doctrinal norms that were enacted and included in the private and public collections of law during the late Middle Ages were considered to be expressions of the divine law, especially so if these

body, the 'temporalia,' was a foregone conclusion. . . . And since canon law dealt with both aspects of human life, the conclusion that the science of canon law had no rival amongst the humanities, was quickly reached. 'Spiritualia' the statement usually ran, 'sunt tanto digniora temporalibus quanto anima praeferitur corpori.' We shall have occasion to demonstrate how pregnant and fruitful was this contrast between mind and matter. Since it dealt with every aspect of moral conduct, canonistic scholarship naturally excelled moral science as well as theology and civil knowledge. Moreover, canonistic scholarship treats of economic and political science. . . . Canonistic scholarship is a true queen. Indeed, the solemn declaration of Julius II in the Fifth Lateran Council was simply a pontifical affirmation of the divine character of canon law. There this pope avowed the unalterable nature of the canons, because 'these decrees were issued as it were by divine inspiration.' The decrees of the pope as a legislator were credited with greater authority than the sayings of the saints. More weight was to be attached to a canonical enactment than to the dicta of St. Augustine or St. Jerome; those who disregarded canon law were 'ipso jure' condemned as heretics, for they thereby denied their faith."--Ullmann, *op cit.*, pp. 31, 32.

²⁵"Decretales itaque epistolae canonibus conciliorum pari iure exequantur. Nunc autem queritur de expositoribus sacrae

laws had papal approbation. Perhaps one could suggest that the restrictions on the active participation of the laity in the life of the Church, as well as the lower esteem in which the laity were generally held, were viewed by the hierarchy and clergy as possessing divine sanction, thereby maintaining and strengthening the phenomenon of a purely passive laity in the Church. This would seem to be consistent with the actions of Innocent III, for example, who, while approving the arrival at a deeper understanding of scripture on the part of the laity, nevertheless forbade them to translate portions of the Bible into the vernacular or to study it privately in small groups lest heresy be the result. He even

scripturae, an exequentur, an subiciantur eis? Quo enim quisque magis ratione nititur, eo maioris auctoritatis eius verba esse videntur. Plurimi autem tractatorum, sicut pleniori gratia Spiritus sancti, ita ampliori scientia aliis precellentes, rationi magis adhesisse probantur. Unde nonnullorum Pontificum constitutis Augustini, Ieronimi atque aliorum tractatorum dicta eis videntur esse preferenda. Sed aliud est causis terminum imponere aliud scripturas sacras diligenter exponere. Negotiis diffiniendis non solum est necessaria scientia, sed etiam potestas. Unde Christus dicturus Petro: 'Quodcumque ligaveris super terram, erit ligatum et in celis, etc.' prius dedit sibi claves regni celorum: in altera dans ei scientiam discernendi inter lepram et lepram, in altera dans sibi potestatem eiciendi aliquos ab ecclesia, vel recipiendi. Cum ergo quolibet negotia finem accipiant vel in absolutione innocentium, vel in condemnatione delinquentium, absolutio vero vel condemnatio non scientiam tantum, sed etiam potestatem presidentium desiderant: aparet, quod divinarum scripturarum tractatores, etsi scientia Pontificibus premineant, tamen, quia dignitatis eorum apicem non sunt adepti, in sacrarum scripturarum expositionibus eis preponuntur, in causis vero diffiniendis secundum post eos locum merentur."--Dictum ante c. 1, D. XX.

considered such activity of the laity to be vice under the appearance of virtue. Innocent proclaimed that the exposition of Sacred Scripture belonged exclusively to those who held the office of preaching, and that the "excellence" of orders and the dignity of the office of the priest would more than compensate for any lack of learning on the part of the clergy. An incident had arisen in Metz, France, where certain of the faithful, disillusioned with the apparent ignorance of their clergy, had formed small groups in order to study the Bible privately. This situation prompted Innocent to respond in the manner indicated. The response seems noteworthy, in that it was probably considered to give divine approval to the notion of an extremely restricted role for the laity. The active apostolate was, for all practical considerations, reserved almost entirely to the members of the clergy.²⁶

²⁶"Sicut enim multa membra corporis, omnia vero membra non eundem actum habent, ita multi sunt ordines in ecclesia, sed non omnes idem habent officium, quia secundum Apostolum 'alios quidem Dominus dedit apostolos, alios prophetas, alios autem doctores, etc.' Quum igitur doctorum ordo sit quasi praecipuus in ecclesia, non debet sibi quisquam indifferenter praedicationis officium usurpare. Nam secundum Apostolum: 'Quomodo praedicabunt, nisi mittantur?' et veritas ipsa praecepit Apostolis: 'Rogate Dominum messis, ut mittat operarios in messem suam.' Quodsi forte quis argute [sic] respondeat, quia tales invisibiliter mittuntur a Deo, etsi non visibiliter mittantur ab homine, quum invisibilis missio multo sit dignior quam visibilis, et divina longe melior quam humana, unde Iohannes Baptista non legitur missus

It also appears evident that the laity was to have no active role to play with regard to the formulation of doctrine, or its development. At least, the canonical sources seem to bear this out. The laity was forbidden by Pope Alexander IV to dispute matters which were concerned with the Faith. Pope Lucius III considered the layman as having no active role in any manner,

ab homine, sed a Deo, sicut Evangelista testatur. 'Quia fuit homo missus a Deo, cui nomen erat Ioannes,' potest et debet utique rationabiliter responderi, quod, quum interior illa missio sit occulta, non sufficit cuiquam nude tantum asserere, quod ipse sit missus a Deo, quum hoc quilibet haereticus asseveret: sed oportet, quod adstruat illam invisibilem missionem per operationem miraculi, vel per scripturae testimonium speciale. Unde, quum Dominus vellet mittere Moysen in Aegyptum ad filios Israel, ut crederent ei, quod mitteretur ab ipso, dedit ei signum, ut converteret virgam in colubrum, et colubrum in virgam iterum reformaret, Ioannes quoque Baptista speciale suae missionis testimonium protulit de scriptura, dicens sacerdotibus et Levitis, qui missi fuerant ad interrogandum, quis esset, et quare baptizandi officium assumpsisset: 'Ego vox clamantis in deserto, dirigite viam Domino, sicut ait Esaias Propheta.' Non est ergo credendum ei, qui dicit se missum a Deo, quum non sit missus ab homine, nisi de se speciale proferat testimonium de scripturis, vel evidens miraculum operetur. Nam et de his, qui missi legantur a Deo, Evangelista testatur, quod ipsi profecti praedicabant ubique, Domino cooperante et sermonem confirmante sequentibus signis. Licet autem scientia sit valde necessaria sacerdotibus ad doctrinam, quia iuxta verbum propheticum labia sacerdotis custodiunt scientiam, et legem exquirunt ex ore eius: non est tamen simplicibus sacerdotibus etiam a scholasticis detrahendum, quum in eis sacerdotale officium debeat honorari, propter quod Dominus in lege praecepit 'Diis non detrahes,' sacerdotes intelligens, qui propter excellentiam ordinis et officii dignitatem deorum nomine nuncupantur."--c. 12, X, V, 7. Cf. Regesta Pontificum inde ab A. post Christum natum MCXCVIII ad A. MCCCIV, ed. Augustus Potthast (2 vols.; Graz: Akademische Druck - u. Verlagsanstalt, 1957), 780: Quum ex iniuncto.

concerning the formulation of the principles of doctrine.²⁷

In the face of this negative attitude that was expressed in canonical tradition with regard to the laity and their role in the Church, some lay-potentates countered with statements of protest. Philip IV indicated to Boniface VIII that the Church was composed not only of clerical members, but also members of the lay state.²⁸ On April 30, 1239, Frederick II issued a manifesto to the German potentates entitled Levate, in which he rather strongly suggested that the laity do have an active role to fulfill in the life of the Church. One aspect of this role was to give correction, when needed, to the office-holders in the Church, in order that they might perform the duties entrusted to them by Christ in a more

²⁷"Inhibemus quoque, ne cuiquam laicae personae liceat publice vel primatim de fide catholica disputare. Qui vero contra fecerit, excommunicationis laqueo innodetur."--c. 2, V, 2, in VI^o. Cf. Regesta Pontificum Romanorum ab condita Ecclesia ad annum post Christum natum MCXCVIII, ed. Philippus Jaffe, ed. secundam correctam et auctam auspiciis Gulielmi Wattenbach (2 vols.; Lipsiae: Veit and Comp., 1885-1888), 9635, II, 469; also Ullmann, op. cit., p. 214 and reference there cited. Stephen of Tournai seemed to exclude the laity from any active role in the formulation of doctrine: ". . . laicorum non est de ecclesiasticis negotiis constituere, vel definire. . . ."--Summa, at D. XCVI, p. 118.

²⁸"Ecclesia non solum est ex clericis, sed etiam ex laicis."--as quoted by Ullmann, op. cit., p. 214.

effective manner.²⁹

Perhaps the strongest reaction against the canonical tradition which sustained the passive role of the laity came not from any layman, but from the German priest and reformer, Martin Luther (1483-1546). Discarding the canonical tradition entirely, Luther, the exclusive subject of the subsequent chapter, asserted a most active role for the laity which was structured upon a theology of justification and the Church. Western Christendom was about to undergo a revolution in word and deed as to the status and function of the layman.

²⁹"Itaque non miretur universalis ecclesia nec populus christianus, si nos talis sententias iudicis non veremur, non in contemptu papalis officii vel apostolice dignitatis, cui omnes ortodosse fidei professores et nos specialius ceteris subesse fatemur, sed persone prevaricationem arguimus, que se solio tanti regiminis monstravit indignam. Et ut omnes primates nominis christiani sanctum intentionis nostre propositum et pei devotionis zelum in nobis agnoscant, et quod non ex odii fomite, set ex causa iustissima vel necessaria Romanus princeps contra Romanum antistitem commovetur, dum metuit ne grex dominicus sub tali pastore per devia deducatur, ecce quod sacrosancte Romane Ecclesie cardinales per sanguinem Iesu Christi et sub attestazione divini iudicii per nuncios nostros et litteras attestamur, ut generale concilium prelatorum et aliorum Christi fidelium debeant evocare . . . vos igitur, dilecti principes, non nobis solum set ecclesiae, que congregatio est omnium Christi fidelium. . . ."--Frederick II, Encyclica Accusatoria contra Gregorium IX, Levate, No. 215, c. 21, 23--Monumenta Germaniae Historica, Legum Sectio IV, ed. L. Willand (Hannover: Impensis Bibliopolii Hahniani, 1896), Tom. II, 297, 298.

Summary

The political theories of the late Middle Ages regarded the Church as the sole cosmic reality, and the spiritual and temporal realms as two distinct sides of this reality. Because the Christian commonwealth was conceived after the ancient distinction between mind and matter, the spiritual estate was considered as the soul of the Church, and claimed for itself a greater dignity and a higher status than the temporal estate. The temporal or secular side of the Church existed only to serve the spiritual side, i.e., the hierarchy and clergy, just as the body existed to serve its higher counterpart, the soul. This trend of thought identified the secular rulers and the rank and file laity with the carnal and therefore less desirable aspects of the body. Hence, the laity was looked upon as possessing a lower status and a lesser dignity in comparison with the clergy. As a result of this negative attitude, the tendency which had begun in the earlier centuries of the period known generally as the Middle Ages was continued and strengthened. This tendency was reflected by the fact that the laity assumed a role in the life of the Church that was passive. Works of the apostolate

and ecclesiastical affairs in general were considered to be the sole preoccupation of the hierarchy and clergy. The negative attitude towards laymen as well as the passive role that they were assigned were sustained and reflected in the canonical sources.

Because of the superiority of the spiritual estate in the society of this period, the Pope reigned supreme over the entire commonwealth, and law which had papal approbation was understood to have divine approbation also. The science of canon law occupied the most prestigious of positions. For these reasons, the passive and secondary status of the laity was solidified within a rigorous legal expression and was felt to be the true expression of the constitution of the Church as decreed by Christ. While this expression of canonical tradition served to unify Western Christendom, it seemed also to contribute to a Christianity of privileged status.

CHAPTER III

THE THEOLOGY OF MARTIN LUTHER (1483-1546)

Introduction

While perhaps it can be suggested that the approach of Martin Luther in undertaking the reform of the sixteenth-century Catholic Church was highly original in that it was almost entirely orientated towards, and rooted in, Sacred Scripture,¹ no serious scholar would question the convergence and interplay of historical, theological, and personal influences that came to bear upon Luther and the movement that he initiated. The purpose of this introduction to the theology of Luther is to indicate certain of these influences in order to provide the reader with a somewhat clearer picture of the actual ecclesial surroundings in which Luther lived and worked. No

¹Paul Althaus, The Theology of Martin Luther, trans. Robert C. Schultz (Philadelphia: Fortress Press, 1966), pp. 3-8.

suggestion will be made, however, that any single influence was ultimately the main cause of the Reformation. It seems to be a highly venturesome task to assign any single motivating influence to such a varied and complex figure as Luther, except perhaps, one that could be linked to him immediately, as, for example, the indulgence controversy between 1511 and 1520. It is hoped that in considering those historical, theological, and personal factors that unconsciously determined and shaped Luther, a more meaningful construction can be put on his work, especially as it concerns the role of the layman in the Church.

One of the most significant of historical realities which conditioned the thoughts and actions of Luther was the manner in which the Petrine office was conceived and actually functioned during the High Middle Ages, and the reaction to this understanding in the conciliarist movement of the fifteenth century. The collections of law which contained the decretals of the Popes were compiled within a context that assigned to the Roman Pontiff total responsibility for the entire Church and the fullness of power with which to exercise that responsibility.²

²Cf. supra, p. 30, n. 12; p. 36, n. 25.

The papal decretals were considered as valid and binding upon Christendom since they were viewed as vicarious expressions of divine law.³ Within this framework, then, Pope Innocent III (1198-1216) doctrinally decreed the sovereignty of the pope over both Church and Empire in his decretal Venerabile.⁴ The extension of papal authority into the civil sphere was consistent with the political theories of the late Middle Ages which held that secular power was correctly administered only when administered on behalf of God, i.e. to say, only when mediated through the Roman Pontiff.⁵ Innocent even went beyond the

³Cf. supra, p. 35, n. 24.

⁴"Verum illis principibus ius et potestatem eligendi regem, in imperatorem postmodum promovendum, recognoscimus, ut debemus, ad quos de iure ac antiqua consuetudine noscitur pertinere; praesertim, quum ad eos ius et potestas huiusmodi ab apostolica sede pervenerit, quae Romanum imperium in personam manifici Caroli a Graecis transtulit in Germanos. Sed et principes recognoscere debent, et utique recognoscunt, sicut iidem in nostra recognoscere praesentia, quod ius et auctoritas examinandi personam electam in regem et promovendam ad imperium ad nos spectat, qui eum inungimus, consecramus et coronamus. . . Idem etiam contra proprium iuramentum, super quo nec consilium a sede apostolica requisivit, ambitionis vitio regnum sibi usurpare praesumpsit, non alium causa necessitatis in regem eligere, quod utcumque tolerabilius videretur, quum super illo iuramento prius Romana ecclesia consuli debuisset, sicut et eam quidam consulere prudenter, apud quam ex institutione divina plenitudo residet potestatis."--c. 34, X, I, 6. Cf. John A. Watt, The Theory of Papal Monarchy in the Thirteenth Century (New York: Fordham University Press, 1965), p. 35.

⁵Supra, pp. 21-26. Cf. The Councils of the Church -

framework of Church and Empire and asserted that Peter was also charged by Christ with the care of the entire world.⁶

According to Brian Tierney, the Decretists paved the way for the acceptance of these papal claims. However, controversies existed among them regarding the precise meaning of Matthew 16. Some felt that the Rock was Peter, some interpreted the Rock to mean Christ or even the faith of Peter. Further discussions were centered around the question which dealt with the manner in which the Church was founded, whether on Peter directly, or rather on Christ directly as author, and Peter

History and Analysis, ed. Hans Jochen Margull, translated from Die ökumenischen Konzile der Christenheit, Stuttgart: Evangelisches Verlagswerk, 1961 (Philadelphia: Fortress Press, 1966), p. 97. Carl Andresen suggests that the fact that Nicholas I (858-867) utilized the pseudo-Isidorian decretals was significant in this regard, since they contained the Donation of Constantine. The legend held that Constantine, following his conversion to Christianity, transferred the power that he held over Rome and the West to Pope Sylvester (314-335). The reason for this gift was the reluctance of the emperor to rule where Christ was to rule directly through his Vicar. Cf. also Watt, op. cit., pp. 25-33, esp. n. 30; Decretales Pseudo-Isidorianae et Capitula Angilramni, ed. Paul Hinschius (Aalen: Scientia Verlag, 1963), p. 249f.

⁶"Hac quoque fide usque et ad nos sine aliqua interruptione perveniente, quod nos oporteat facere non parum est haesitandum in ambiguitatem atque discessionem non parvam incidere, donec de hoc quaestio solvatur. Quaero nunc hinc addiscere causam, quae divisa est et indivisibilis vestis Christi. Potentem autem nostrum moderatorem tua noscat sanctitas a se ipso proslitientem ad omnem boni notitiam et maxime ad religionis cultum. Omnia enim quibus ornatur vere homo Dei et quaecunque divinitus coronatum ornant imperatorem, haec omnia Deus ei donavit." -- MPL, CCXIV, 758C.

secondarily as minister.⁷ Nevertheless, it was the rare canonist who questioned the right of the pope to administer not only the Church, but also the Empire, although through the emperor. This was true especially after the pronouncements of Innocent III.⁸

A supporting argument to the papal claims which were asserted in the decretal Venerabilem can be found in the restatement of the superiority of the clerical state in the decretal Solite.⁹ This decretal was an interpretation of the classical

⁷Brian Tierney, Foundations of the Conciliar Theory--The Contribution of the Medieval Canonists from Gratian to the Great Schism (Cambridge: University Press, 1955), pp. 23-46.

⁸Watt, op. cit., pp. 35, 36.

⁹"Volens enim, de quo nos rationabilius admiramur, imperatoria celsitudo per haec et alia, quae induxit, imperium sacerdotio dignitate ac potestate praeferre, ex auctoritate praemissa triplex trahere voluit argumentum, primum ex eo, quod legitur: 'subditi estote'; secundum ex eo, quod sequitur: 'regi tanquam praecellenti'; tertium ex eo, quod est adiectum subsequenter: 'ad vindictam malefactorum, laudem vero bonorum'; per primum subesse sacerdotium, per secundum imperium praeeminere, per tertium imperatorem tam in sacerdotes quam laicos iurisdictionem, immo etiam gladii potestatem accepisse praesumens. Quum enim et boni quidam sint sacerdotes, et quidam eorum malefactores exsistant, is, qui secundum Apostolum gladium portat ad vindictam malefactorum, laudem vero bonorum, in malefacientes presbyteros excessus praesumptos potest ultore gladio vindicare, quum inter presbyteros et alios Apostolus non distinguat. Verum si et personam loquentis, et eorum, ad quos loquebatur, ac vim locutionis

Duo sunt genera text in the Decretum of Gratian,¹⁰ and contained the same argument which Innocent had utilized in asserting the superiority of the clerical state to the laity in France who were

diligentius attendisses, scribentis non expressisses taliter intellectum. Scribebat enim Apostolus subditis suis, et eos ad humilitatis meritum provocabat. Nam si per hoc, quod dixit: 'subditi estote,' sacerdotibus voluit imponere iugum subiectionis, et eis praelationis auctoritatem afferre, quibus eos subiectos esse monebat, sequeretur ex hoc, quod etiam servus quilibet in sacerdotes imperium accepisset, quum dicatur: 'omni humanae creaturae.' Quod autem sequitur, regi 'tanquam praecellenti,' non negamus, quin praecellat imperator in temporalibus illos duntaxat, qui ab eo suscipiunt temporalia. Sed Pontifex in spiritualibus antecellit, quae tanto sunt temporalibus digniora, quanto anima praefertur corpori, licet non simpliciter dictum fuerit: 'subditi estote,' sed additum fuerit: 'propter Deum,' nec pure sit subscriptum: 'regi praecellenti,' sed interpositum forsitan fuit non sine causa, 'tanquam.' Quod autem sequitur: 'ad vindictam malefactorum, laudem vero bonorum,' intelligendum non est, quod rex vel imperator super omnes et bonos et malos gladii acceperit potestatem, sed in eos solummodo, qui utentes gladio eius sunt iurisdictioni commissi, iuxta quod Veritas ait: 'Omnes, qui acceperint gladium, gladio peribunt.' Dictum est etiam in divina lege: 'Diis non detrahes, et principem populi tui non maledices' quae sacerdotes regibus anteponebant istos Deos et alios principes appellavit. Praeterea nosse debueras, quod fecit Deus duo magna luminaria in firmamento coeli; luminare maius, ut praeesset diei, et luminare minus, ut praeesset nocti; utrumque magnum, sed alterum maius, quia nomine coeli designatur ecclesia, iuxta quod Veritas ait: 'Simile est regnum coelorum homini patri familias, qui summo mane conduxit operarios in vineam suam.' Per diem vero spiritualis accipitur, per noctem carnalis secundum propheticum testimonium: 'dies diei eructat verbum, et nox nocti indicat scientiam.' Ad firmamentum igitur coeli, hoc est universalis ecclesiae, fecit Deus duo magna luminaria, id est, duas magnas instituit dignitates, quae sunt pontificalis auctoritas, et regalis potestas. Sed illa, quae praeest diebus, id est spiritualibus, maior est; quae vero noctibus, id est carnalibus, minor, ut quanta est inter solem et lunam, tanta inter pontifices et reges differentia cognoscatur."--c. 6, X, I, 33. Cf. Watt, op. cit., p. 39.

¹⁰c. 7, C. XII, q. 1. Cf. supra, p. 26f.

studying and expounding the Scriptures privately.¹¹ Luther himself, in rejecting the notions of an absolute papal primacy and the superiority of the clergy over the laity, referred directly to the decretal Solite. He interpreted Innocent to mean that the pope and "his men" were not bound to be subjects and to submit to God's commands ("Be subject to every human institution,"

I Peter 2:13) and designated such a papal teaching as "atrocious."¹² He also addressed himself to the same effect with regard to the bull Unam Sanctam of Boniface VIII (1294-1303), in which the pope asserted absolute papal supremacy over all earthly powers as well as the Church.¹³

¹¹Supra, pp. 36-40, and n. 26.

¹²Martin Luther, Why the Books of the Pope and His Disciples Were Burned (1520)-Luther's Works, American Edition, ed. Jaroslav Pelikan and Helmut Lehmann (55 vols., incomplete; Philadelphia-St. Louis: Muhlenberg Press-Concordia Publishing House, 1955--), XXXI, 385. (This dissertation utilizes only the cited edition of Luther's Works, and will hereafter be cited as LW.)

¹³"Now if this council [Nicea I] is to be valid in our churches and go into effect, we must first condemn the bishop of Rome as a tyrant and burn all his bulls and decretals. There is no bull or decretal in which he does not boast vociferously and menacingly that he is the supreme head and lord of all the churches on earth, to whom everyone on earth must be subject, if they wish to be saved."--Luther, On the Councils and the Church (1539)--LW, XLI, 42. Cf. Henricus Denzinger, Enchiridion Symbolorum Definitionum et Declarationum de rebus fidei et morum, ed. XXXIII, Schönmetzer (Barcinone: Herder, 1965), 870-875. (Hereafter cited as Denz.)

According to Tierney, some of the Decretists argued more or less moderately in their writings for limitations to the notion of an absolute papal primacy.¹⁴ Perhaps the seeds of the conciliar ideas that were to assume such practical consequences in the fifteenth century were then present, at least to some extent. Nevertheless, Tierney suggests also that it would be unrewarding to press the distinction between these Decretists and the Decretalists who championed the cause of papal absolutism, since many of these men were equally active in arguing the merits of both as absolute and a limited papal primacy, and the different con-

¹⁴" . . . it remains true that writers who held 'oligarchic' or 'democratic' views on certain aspects of Church government found it convenient to express them in their commentaries on the Decretum, and that the more rigorous monarchical position was most consistently expounded in glosses on the new compilationes and especially on the Gregoriana. Certainly, when one turns from the moderate if muddled constitutionalism of the Decretist glosses to the Decretalist works of writers like Tancred and Bernardus Parmensis, a sharp change of tone is at once apparent, for in these works the hesitations and reservations suggested by Gratian's conflicting texts were replaced by uncompromising assertions of that doctrine of absolute papal monarchy which has often been described, and usually deplored, as characteristic of all canonistic thought. The attitude of Innocent III and of his successors ensured that these views were to be decisive for the future, that, as the canonists became more and more preoccupied with the codification and interpretation of contemporary papal legislation, the moderate doctrines of the Decretists should be half forgotten for a time, and almost wholly ignored."--Op. cit., pp. 87, 88.

ceptions of church government were then largely matters of academic interest.¹⁵

The conciliar movement of the fifteenth century thrust the largely speculative thoughts of the Decretists into a sphere that was eminently practical, namely, the confused state of the Church as a result of the Great Western Schism (1378-1415). This confusion was intensified even more because a decline in canonistic research was observable prior to 1378, and, once the Schism had begun, further codification of papal decretals became a virtual impossibility, since there were three claimants to the papal throne.¹⁶ At the same time, the universities were also challenging the accepted method of using papal decretals as the norm for canonistic research, and canonists, together with theologians, were exploring ecclesiological problematics in a more radical fashion.¹⁷

¹⁵Ibid., pp. 87-92.

¹⁶The Decretals of John XXII "were not published until 1484 when, together with a selection of decretals from the predecessors of John XXII, they were issued as Extravagantes sc. decretales, and thus entered the Corpus Iuris Canonici. After 1378 the Western schism prevented publication, since papal law is in its nature indivisible, and the existence of several obediences would render its codification very dubious." --Margull, op. cit., p. 177, n. 207.

¹⁷Ibid., p. 178.

Various types of conciliarism apparently can be distinguished. "Curial conciliarism," which Andresen designates as "the exploitation of the idea of a 'general assembly of the church' by the college of cardinals in the interests of ecclesiastical politics,"¹⁸ was a logical development of papal centralism in which the Roman See understood itself as the corporate aggregate of Pope and cardinals who truly represented the whole Church. Examples of this type of conciliarism are provided by the five Lateran Councils. In effect, this type of papal council enacted what was pleasing to the pope, and therefore was viewed by Luther as a manifestation of a papal supremacy which he rejected. Since the Fifth Lateran Council had reaffirmed the position that the pope was superior to a council, and that the acts of any council were valid only insofar as they had received papal approbation,¹⁹ Luther concluded, with regard

¹⁸Loc. cit.

¹⁹The Clementine decretal Exsecrabilis, issued in 1460, forbade any appeal from the pope to a council on the basis that the pope is superior to a council. This position was later upheld by the Fifth Lateran Council (1512-1517): "Nulli ergo omino hominum liceat hanc paginam nostrarum moderationis, statutorum, constitutionum, reservationis, inhibitionis, et voluntatum infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare praesumpserit, indignationem omnipotentis Dei ac beatorum Petri et Pauli Apostolorum eius se noverit

to the approaching Council of Trent, that his idea of a reform council and the type of council advocated by Rome were not synonymous.²⁰

At the University of Paris, a second type of conciliarism was propounded by John of Paris (ca. 1265-1306) and his subsequent disciples. Their ideas resulted from a theological preoccupation with the nature of the Church. According to John, a qualitative difference existed between Christ and the members of his Church. The relationship between the pope as the earthly vicar of Christ and members of the Church did not, however,

incursum. "--c. un., III, in Extravagantes Johannis XXII.
 ". . . cum etiam solum Romanum pontificem pro tempore
 existentem, tamquam auctoritatem super omnia concilia
 habentem . . . "--Pastor aeternus, Lateran V, Sessio XI--
 Mansi, XXXII, 967.

²⁰"If I thought they valued my advice at all, I would advise these holy people [the Pope and cardinals] simply to spare themselves the trouble of a council. After all, the only kind of council which they will tolerate or have any intention of holding is one in which they can do as they please . . . they are obliged either not to hold a council at all or to hold one over which they will have complete control and in which nothing will be done except what is well pleasing to them, like the Lateran Council in Rome under Popes Julius and Leo, in which Pope Julius was highly praised and otherwise nothing was accomplished."--Luther, Counsel of a Committee of Several Cardinals with Luther's Preface (1538)--LW, XXXIV, 235, 236. With regard to the role of the pope at the Fourth Lateran Council (1215) Andresen observes that "the result of genuine

admit of the same qualitative difference. The pope was considered to be the head of the Church only in the sense of binding and loosing, together with the rest of the apostles, with whom he shared the same power. This interpretation of the papal role was based on an exegesis of Matthew 18 rather than Matthew 16. All holders of a spiritual office functioned by way of popular delegation. The prelates, in turn, delegated their spiritual prerogatives directly to the pope, who was then considered to represent the sum of all spiritual authority. John also taught that since papal authority was the result of delegation on the part of all the bishops with whom he held the same power, the delegation therefore could be rescinded for a serious enough reason by the college of cardinals. He did not attribute the authority to rescind this delegation to a universal council.²¹

It appears that Luther was familiar with the criti-

collaboration between pope and council members should not minimize the dominant influence of the powerful pope on the decisions of the council."--Margull, op. cit., p. 141f.

²¹Margull, op. cit., pp. 179, 180. Cf. also Tierney op. cit., pp. 157, 158; J. Leclercq, Jean de Paris et l'ecclésiologie du XIIIe siècle (Paris: J. Vrin, 1942).

cisms of these Parisian theologians with regard to the exercise of papal authority.²² It appears equally evident that he was familiar with the actual implementation of the ideas of John of Paris at the Council of Constance (1414-1418). That council had decreed, at its opening, that it had received authority to act directly from Christ, and that therefore, even the pope was bound to accept the decisions therein enacted.²³ In effect, this decree set the authority of a council above that of the pope, although it should be mentioned that a general council was never conceived to be, in the canonical and theological language of the time, an assembly without the pope. It seems well founded to suggest that Luther

²²"It is not more than one hundred years ago that the pope adopted the holy practice of bestowing two benefices, such as canonries or parishes, on one priest, about which the Parisian theologians and their associates grumbled and wrote many terrible things."--Luther, On the Councils and the Church (1539)--LW, XLI, 15.

²³Haec sancta, in Conciliorum Oecumenicorum Decreta, edited by Centro di Documentazione Istituto per le Scienze Religiose (Freiburg: Herder, 1962), p. 385. For an excellent analysis of the historical background of Haec sancta and the subsequent history with regard to the validity of this decree, see Tierney's position paper for the Symposium on A Constitution for the Church, sponsored by the Canon Law Society of America and Fordham University, October 7-9, 1967, entitled Roots of Western Constitutionalism in the Church's Own Tradition --The Significance of the Council of Constance. Tierney indicates that four hundred years of disputation over the point of validity

knew of this decree, and the subsequent history of the Council of Constance.²⁴ Since he felt that the conciliar movement as represented at Constance had failed to reform the Church, he viewed with increasing pessimism the possibility that a council ever could reform the Church. This feeling was compounded

were more or less assumed to be settled at the First Vatican Council, when "Gallican" theologians, who had always argued for validity, fell out of favor. This caused Catholic scholars to assume that the Church considered Haec sancta invalid. Only since 1960 have such scholars as Congar, De Vooght, Karl Fink and Hans Küng argued strongly for recognizing the validity of this decree. The magisterium of the Church has never settled the question. Arguments suggest that a decree which was accepted by the whole Catholic world in the years immediately following upon its enactment, ought not to be shrugged off as heretical and invalid. Küng stated, by way of conclusion, that Haec sancta was valid and binding on the Church. --Hans Küng, Structures of the Church (New York: Thomas Nelson and Sons, 1964), pp. 268-288, esp. 284f. Tierney's position paper, cited in this note, will be included in a forthcoming book entitled We, The People of God (Huntington, Indiana: Our Sunday Visitor Press, 1968).

24"They [the Pope and cardinals] cannot let themselves be reformed, and do not want to be. That we know for a certainty. And yet they are worried that if a council were to be held, they might have to forfeit a feather or lose a hair, perhaps to their own defenders, such as the emperors, kings, princes, etc. Their fingers were burned in that way at the Council of Constance, and so they have become wary."--Luther, Counsel of a Committee of Several Cardinals with Luther's Preface (1538)--LW, XXXIV, 235. "Now if the council [Constance] were to depose the popes, it had to reach an agreement beforehand and resolve that a council is to be above the pope and has the power and right to depose him, for papal law prohibits an inferior to depose a superior. . . So it was

by the realization that papal supremacy had been reaffirmed by the Fifth Lateran Council.²⁵

A third type of conciliarism, called democratic, assigned the power to depose a pope to the universal council. The

then and there decided that the pope was under the council and not above the council, despite the fact that for so many centuries beforehand the pope had [insisted] through all his decrees and decretals that . . . he was above all councils, above all the world, even above all the angels in heaven; that is, he was God's vicar on earth and an earthly god, and so many other abominable things that are terrible for a Christian heart and ears to hear."--Luther, Against the Roman Papacy (1545)--LW, XLI, 267.

²⁵"In the first place, when pressed by the temporal power they [the curialists] have made decrees and declared that the temporal power had no jurisdiction over them, but that, on the contrary, the spiritual power is above the temporal. In the second place, when the attempt is made to reprove them with the Scriptures, they raise the objection that only the pope may interpret the Scriptures. In the third place, if threatened with a council, their story is that no one may summon a council but the pope."--Luther, To the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate (1520)--LW, XLIV, 126. "Well then, if we must despair of a council let us commend the matter to the true judge, our merciful God."--Luther, On the Councils and the Church (1539)--LW, XLI, 142. "Now of what use is your reformation according to the fathers and councils? You hear that the pope and the bishops will not tolerate it. And if they cannot tolerate the condition of the church as it existed fifty years ago, when you and I were children, my dear man, how will or can they tolerate our proposal to reform the church by restoring it to its condition of six hundred or a thousand or fourteen hundred years ago? Such a proposal is simply impossible, since the pope is in control and wants to remain unreformed. Therefore we must admit that councils and fathers are powerless in these matters, and so is anything we can say or think about them; for the pope is above councils, above fathers, above kings, above God, above angels. Let me see you depose him and make

universal council was understood to represent the will of all the people. The theologian Marsilius of Padua (ca. 1270-1342) argued in his work Defensor Pacis²⁶ for the idea of the sovereignty of the people based upon a secularized natural law which had its roots in the Thomistic notion of natural law.²⁷ This doctrine insisted that a universal council was a representation of the entire community of the faithful, and in effect, ignored the hierarchical structure of the church. Marsilius claimed that the primitive Church knew nothing of the Privilege of Peter. He taught that only the inspired Scriptures could inform as to what Christ did and commanded. The pope and bishops possess no temporal power: Christ claimed no temporal power for himself, and the apostles did not propagate the notion that he did. Marsilius also held that the pope has no power to declare new doctrine. The elements which comprised the thought of Marsilius rendered easy "the elaboration of a doctrine of the state whose political sociology was independent of the church."²⁸

the fathers and councils his masters.'"--Luther, op. cit. --LW, XLI, 15f. Cf. supra, p. 46, n. 4.

²⁶Cf. The Defensor Pacis of Marsilius of Padua, ed. crit. C. W. Previté-Orton (Cambridge: University Press, 1928).

²⁷Margull, op. cit., p. 180.

²⁸Ibid., p. 181.

While it appears that one must be cautious in suggesting that Luther depended on Marsilius for his own ideas, if indeed such a suggestion could even be made, it seems clear that Luther echoed very similar ideas to those of the Paduan theologian which were condemned by John XXII.²⁹ It would likewise appear that William of Occam advocated ideas that were similar, at least to some extent, to those of Marsilius. He definitely affirmed the right of a universal council to depose a pope who was clearly failing in his duties.³⁰ However, one also should be cautious in attributing to the Venerabilis Inceptor full responsibil-

²⁹In describing a free and Christian council, Luther means one in which "tongues and ears should be free. . . everyone, especially those appointed by all sides to speak, listen, and act, may freely say, complain, or respond to whatever is pertinent to reform the church and abolish offenses and abuses. . . particularly and above all, that God's word, or Holy Scripture, should, free and without strings (as it must be), have its way and its rights, according to which one decides and judges everything."--Luther, Against the Roman Papacy (1545)--LW, XLI, 269. "A council has no power to establish new articles of faith. . . a council has no power to interfere in worldly law and government, etc.; for St. Paul says, 'He who wants to serve God in spiritual warfare should refrain from engaging in civilian pursuits.'"--Luther, On the Councils and the Church (1539)--LW, XLI, 123, 130. "I am now (I declare) and must be a good conciliarist. . ." --Luther, op. cit.--LW, XLI, 37.

³⁰Cf. De imperatorum et pontificum potestate, Mulder ed., Archivum Franciscanum Historicum, XVI-XVII (Quaracchi, 1925).

ity for positions advanced by Marsilius, since Occam was occupied at the time with the very pragmatic consideration of the poverty question which was being debated in the Franciscan Order with John XXII, in opposition to Innocent III.

Conciliar theory in the form advanced by Marsilius of Padua found its implementation in the Council of Basel (1431-1449). This particular council was characterized by hostility between its members and Pope Eugene IV. Eugene convoked a countercouncil at Ferrara in 1438. The council at Basel deposed the Pope and elected another who was known as Felix V. Eventually, the supporters of the Council of Basel upheld Eugene, and the final result was the suppression of the conciliar movement.³¹ Luther, in his appearance before Cajetan at Augsburg in 1518, expressed sympathy for the entire conciliar movement, and asserted then his own conviction that a council was superior to a pope, but implied also that

³¹"In respect of the West the influence of the Council of Florence was rather negative, negative but far-reaching. By its very existence it counterbalanced and finally outweighed the Council of Basel, and in so doing checked the development of the Conciliar Movement that threatened to change the very constitution of the Church. The great achievement of the Council for the West was that it secured the victory for the popes in the struggle of papacy versus council, and the survival of the traditional order of the Church."--Joseph Gill, The Council of Florence (Cambridge: University Press, 1959), p. 411.

even for a council, the ultimate norm would have to be Sacred Scripture.³²

Perhaps the strongest theological influence on Luther was provided by a scholastic atmosphere that was characterized by a nominalistic persuasion. After his ordination to the priesthood on April 4, 1507, Luther continued to study theology at Erfurt. John Nathin, himself a pupil of Gabriel Biel (d. 1495), was his professor. Luther studied the principal textbook of the day, the Sentences of Peter Lombard, as well as the Collectiones of Biel, and the Quaestiones of d'Ailly and Occam. The whole

³²"Then, in contradiction to what I had said, he [Cajetan] began to extol the authority of the pope, stating that it is above church councils, Scripture, and the entire church. With the purpose of persuading me to accept this point of view, he called attention to the rejection and dissolution of the Council of Basel and was of the opinion that the Gersonists as well as Gerson should be condemned. . . I denied that the pope was superior to the council and Scripture and I praised the appeal made by the University of Paris."--Luther, Proceedings at Augsburg (1518)--LW, XXXI, 262. Jean Gerson (1363-1429), a theologian of the nominalist school, was one of a group at the University of Paris who attempted to achieve ecclesiastical reform by means of a council whose authority would be superior to that of the pope.--Loc. cit., n. 8. Cf. supra, pp. 54-56. The history of papal supremacy and conciliarism not only influenced Luther in the subsequent development of his own theological positions, but also influenced his personal fortunes. In appealing to the judgment of a council, Luther was making an illegal request, since the Fifth Lateran Council had clearly upheld the supreme judgment of the pope which admitted of no appeal. Cf. supra, p. 53, n. 19.

tradition in which Luther studied, therefore, was in general Nominalistic and Occamistic.³³ In the autumn of 1509, Luther was declared Sententiarius, which entitled him to lecture on the Sentences of Lombard. He continued to study Greek and Hebrew, and the writings of St. Augustine. At the urging of John Staupitz, the Vicar-General of the Augustinian Order, Luther was awarded the degree of Doctor of Theology after his arrival at the University of Wittenberg in the late summer of 1511.³⁴

He appears to have reacted strongly against the theological position of Biel regarding justification. Biel taught that salvation depends on the fulfillment of the law, namely, by loving God. Man can produce this love before the infusion of grace, and

³³John M. Todd, Martin Luther-A Biographical Study (Westminster: Newman Press, 1965), pp. 33, 42. It is known that Luther was very familiar with the positions of Biel, since he made marginal notes in the Collectiones: "Nous n'avons pas a rappeler l'importance du Commentaire des Sentences dans lequel Gabriel Biel suit deliberelement le Venerabilis Inceptor: ce Collectorium dont en 1515-1516 Luther a marque de notes marginales l'edition juste arrivee a la bibliotheque de son couvent." (Luthers Randbemerkungen zu Gabriel Biels Collectorium in quattuor libros sententiarum und zu dessen Sacri canonis missae expositio, Lyon, 1514, herausgegeben von Hermann Degering, Weimar, 1933)--Paul Vignaux, "Sur Luther et Ockham," in Franziskanische Studien, XXXII (1950), 21.

³⁴Todd, op. cit., pp. 44, 65-67.

thus, when he reaches the point of loving God above everything else, will merit the gift of sanctifying grace. This was in keeping with the nominalistic doctrine of the facere quod in se est, i.e., the obligation of each man to do his very best, and the natural capacity of man to love God above everything else. Biel uses the term "acceptation" to describe the gift of sanctifying grace which is the coming of the Holy Spirit to all Christians.

This coming of the Holy Spirit is also understood as incorporation into Christ which is necessary for salvation. The term "acceptation" does not indicate a forensic declaration of God's favor, but rather the indwelling of the Holy Spirit, the description of the habit of inherent grace.³⁵

This line of theological thought, which was consistent with Occam and Scotus, was rejected by Luther, who denied that man, through his own natural efforts, was able to love God above all things. Although he thought highly of Biel and Occam, Luther, a man who was constantly preoccupied with what God does through Christ for me here and now, could not accept their notion that

³⁵Heiko Augustinus Oberman, The Harvest of Medieval Theology-Gabriel Biel and Late Medieval Nominalism (Cambridge: Harvard University Press, 1963), pp. 347-355.

Christ's work of atonement became operative only after man had proven himself worthy of it.³⁶ Since Luther's doctrine of justification determined, to a very large extent, his theological understanding of the nature of the Church and consequently his position with regard to the role of the laity in it, it seems rather significant that his biblically-orientated analysis stood in opposition to, and constituted a reaction against, the nominalistic position.

This appears to be the case even more so when one considers the assessment of Joseph Lortz that nominalism represented a theology that was not "fully Catholic."³⁷ Oberman, in suggesting

³⁶"It is false to state that the will can by nature conform to correct precept. This is said in opposition to Scotus and Gabriel. It is absurd to conclude that erring man can love the creature above all things, therefore also God. This is in opposition to Scotus and Gabriel. To love God above all things by nature is a fictitious term, a chimera, as it were. This is contrary to common teaching."--Luther, Disputation Against Scholastic Theology (1517), Theses 6, 13 and 18--LW, XXXI, 9, 10. Cf. Todd, op. cit., p. 58. "La reponse de Biel secundum opinionem Scoti, Occam tient en cinq propositions. La these 5 de la Disputatio se referant a la refutation preliminaire d'arguments adverses, les quatorze theses suivantes se developpent en marge de la premiere proposition de Biel et des preuves qu'il en apporte: Viatoris voluntas humana ex suis naturalibus potest diligere Deum super omnia. L'amour naturel de Dieu ainsi pose n'est, aux yeux de Luther, qu'une fiction: terminus fictus sicut chimaera (these 18)."--Paul Vignaux, art. cit., p. 22.

³⁷"Ockhamism, as held by Pierre d'Ailly, Gabriel Biel, and Gregory of Rimini, is committed to an extreme exagger-

that today scholars have arrived at a consensus regarding the nominalist doctrine of justification which, however, is still lacking with regard to the scriptural principle,³⁸ seems to arrive at a rather perceptive, though somewhat different conclusion from Lortz. Having concluded that Biel and Occam stood in fundamental agreement on all basic philosophical and theological issues, Oberman suggests that in virtue of a lack of official condemnation of Occam's writings, "nominalism remained a valid option in the rapidly growing number of universities" during the period of late medievalism leading to the Reformation era. Only by employing the advantage of historical perspective, within the larger context of dogmatic development, does Oberman come to the conclusion that the nominalistic doctrine of the justification process was at least semi-Pelagian in character.³⁹ This conclusion, however,

ation of man's part in the process of justification and of his relation to an arbitrary God. The inevitable theological conclusion is a cheapening of divine grace; this, of course, would give a false orientation to Christianity as a whole. . . . Ockhamism was no longer a fully Catholic theology."--Joseph Lortz, The Reformation-A Problem for Today, trans. John C. Dwyer (Westminster: Newman Press, 1964), pp. 46, 47.

³⁸Oberman, op. cit., p. 361.

³⁹Oberman, op. cit., p. 426.

should not obscure the fact that nominalism was occupying a fully legitimate position within the ongoing process to determine the correct interpretation of Augustine regarding justification. Perhaps the reaction of Luther to the nominalist teaching on justification should be assessed likewise.⁴⁰

Since Luther was involved in an intellectual sphere of nominalist persuasion, it might also, perhaps, prove enlightening to consider the possibility of influences of that school on him, precisely in the controversial area of Scripture and Tradition. The two-source theory, namely, that Christians owe equal respect and obedience to written (the canonical Scriptures) and to unwritten (oral testimonies handed down by the apostles through their successors) traditions, was explicitly referred to for the first time in a treatise by Basil the Great.⁴¹ Ivo of

⁴⁰Oberman, *op. cit.*, pp. 427, 428. Hans Küng has implied, by way of his own conclusions, that the doctrine of Luther in reaction to the nominalists' understanding of justification might well have provided a fundamental basis for a clearer expression of the Catholic position: "It is without any doubt. . . that today there is a fundamental agreement between Catholic and Protestant theology, precisely in the theology of justification--the point at which Reformation theology took its departure."--Hans Küng, Justification--The Doctrine of Karl Barth and a Catholic Reflection, trans. Thomas Collins, Edmund Tolk, and David Granskou (New York: Thomas Nelson and Sons, 1964), p. 284.

⁴¹De Spiritu sancto 66--MPG, XXXII, 188. Cf. Oberman, *op. cit.*, p. 369.

Chartres upheld the position of Basil, Gratian incorporated that passage from Ivo into the *Decretum*, and subsequently it was propagated in the textbooks which dealt with canon law and theology.⁴² The canon lawyers, therefore, supported the two-source theory. However, some medieval doctors of theology, including St. Thomas, understood theology to be the science of Sacred Scripture, which they considered as the authoritative source and the final test of the understanding of later interpreters.⁴³ St. Augustine reflected the understanding of the early Church with regard to tradition. He taught that tradition constituted a "coinherence" of Scripture and unwritten testimony. While Augustine asserted the ultimate authority of Sacred Scripture, he did not oppose this in any way to the authority of the Church, which "moves" the faithful to discover the authority of God's written Word.⁴⁴

⁴²MPL, CLXI, 283; I, c. 5, D. XI.

⁴³"Innititur enim fides nostra revelationi apostolis et prophetis factae, qui canonicos libros scripserunt, non autem revelationi, si qua fuit aliis doctoribus facta."--Aquinas, Summa Theologiae, I, q. 1, a. 8 ad 2.

⁴⁴"... deferens ei [Sacred Scripture] culmen auctoritatis."--De Sermo dom. i. m., 32--MPL, XXXIV, 1245. "... ego vero evangelio non crederem, nisi me catholicae ecclesiae commoveret auctoritas."--Contra Epistolam Manichaei quam vocant funda-

Tradition, therefore, in a sense passed down through Augustine and other doctors of the Church, tended to support the view which upheld the sufficiency of the Scriptures. Tradition, as understood and expressed in the writings of Basil, Ivo of Chartres, and Gratian was rooted in the two-source theory. This position was upheld by the curialists, conciliarists, and those who represented the canonical tradition. The two-source theory of tradition was injected into theology in such a way that the position of Basil constituted a genuine theological argument. That this indeed was accomplished seems to testify in itself to the fact that canon law and canon lawyers were held in very high esteem at the papal curia and at the royal courts.⁴⁵

The consequent result of the favor given the two-source theory was to invest ecclesiastical traditions, including canonical tradition, with the same degree of authority as that accorded to Sacred Scripture. According to Oberman, the leading spokesmen for the nominalistic tradition, namely, Gerson,

menti liber unus, 5--Corpus Scriptorum Ecclesiasticorum Latinorum (Vindobonae, 1866--), XXV, 197, 22. Cf. Oberman, op. cit., pp. 370, 371.

⁴⁵Oberman, op. cit., pp. 371-373. Cf. supra, p. 35, n. 22; p. 35, n. 24f; p. 36, n. 25f.

Occam, d'Ailly, and especially Biel, propounded the two-source theory. These men were most instrumental in "preparing the ground for the decision made on this point at the fourth session of the Council of Trent."⁴⁶ Luther most emphatically rejected the two-source theory, and upheld the sole sufficiency of Scripture throughout his entire career as reformer. It therefore seems rather certain that on this question, he definitively parted company with the nominalists.⁴⁷ Since this important question

⁴⁶Oberman, op. cit., p. 408. For an excellent presentation of the thought of the leading nominalists with regard to this question, see op. cit., pp. 361-422.

⁴⁷"I have said that when anything contrary to Scripture is decreed in a council, we ought to believe Scripture rather than the council. Scripture is our court of appeal and bulwark; with it we can resist even an angel from heaven--as St. Paul commands in Gal. 1 [:8] --let alone a pope and a council!"--Luther, Defense and Explanation of All the Articles (1521)--LW, XXXII, 81. "Isn't it most villainous for a council to act and decide apart from God's Word? . . . I completely deny. . . that confession should be required. The traditions of men must be abolished from the church. . . this rule of confession is nothing other than a tyrannical exaction of the pope unsupported on any scriptural grounds."--Luther, Against Latomus (1521)--LW, XXXII, 159. Latomus (Jacobus Masson) was a theologian at the University of Louvain, whose faculty had condemned Luther's theology as early as 1519. " 'See to it that no one makes a prey of you by philosophy and empty deceit'--this I confidently and emphatically apply to scholastic theology--'according to human tradition, according to the elemental spirits of the universe'--these are the laws of the bulls and whatever is established in the church apart from Scripture--and not according to Christ'

has remained unresolved in a dogmatically definitive way even to the present day, Luther's claim to have returned to an ancient understanding of the Church with regard to the sufficiency of Scripture, should perhaps not be discounted lightly.

The theological development of Luther appears to have been conditioned in part by both historical and theological factors. However, these factors seem to have been modified still more than they might have been, were it not for a psychological phenomenon uniquely present in the person of Luther. This phenomenon has been called Anfechtung, i. e., a deep anxiety about the impossibility of ever measuring up to the goodness demanded by Christ, a feeling of the horror of sin and guilt, and of its penalties in this life and in the afterlife.⁴⁸ This anguish remained with Luther all of his life, and the inner conflict which afflicted him, and which he was able to express theologically, had a dominant influence on his exposition of

[Col. 2:8]. Here it is clear that Paul wants Christ alone to be taught and heard. Who does not see how the universities read the Bible? Compare what is read and written in the Sentences and on philosophy with what they write and teach about the Bible--which ought to flourish and reign as the most important of all--and you will see what place the Word of God has in these seats of higher learning."--Luther, op. cit., --LW, XXXII, 258f.

⁴⁸Todd, op. cit., p. 22.

Sacred Scripture and theology. When Luther lectured on St. Paul's Epistles to the Romans and Galatians, and expressed his thoughts in the margins, he was engaging in no mere academic argument over the different kinds of grace in relation to justification.

Rather was this a deeply personal concern, and a manifestation of the spiritual crisis which permeated the depths of Luther's very being.⁴⁹

The distinctively Lutheran power with which the Reformer assailed Occam and Biel, and the strength of his own affirmations based upon Scripture, appeared to flow directly from his own spiritual predicament. For that reason, his writings assumed a theologically existential flavor.⁵⁰

⁴⁹Ibid., pp. 47, 48, 73.

⁵⁰"Let us learn, therefore, that amid great and horrible terrors, when the conscience feels nothing but sin and supposes that God is wrathful and Christ is hostile, we must not consult the consciousness of our own heart. No, then we must consult the Word of God, which says that God is not wrathful, but that He has regard for those who are afflicted, are contrite in spirit, and tremble at His Word (Is. 66:2), and that Christ does not turn away from those who labor and are heavy laden (Matt. 11:28) but revives them. Therefore this passage teaches clearly that the Law and works do not bring righteousness and comfort, but that this is achieved by the Spirit through faith in Christ; amid anxieties and tribulations He arouses hope, which endures and conquers evil. . . . but those who in hope believe against hope (Rom. 4:18) amid these conflicts and fears, that is, those who fight against the consciousness of sin and of the wrath

Without any doubt, the anguish peculiar to Luther had its psychological overtones, and responsible studies have been made which treat of this aspect.⁵¹ While such studies

of God by faith in the promise of Christ, eventually experience that this poor little spark of faith (as it seems to reason, because it is hardly aware of it) will become like elemental fire, which fills all heaven and swallows up all terrors and sins."--Luther, Lectures on Galatians (1535), at 5:5--LW, XXVII, 27. Many references can be found in the letters of Luther in which he spoke of being "completely overwhelmed by trials," "pressured by I don't know what burdens of the soul," and of the fact that the "troubles of my soul have not yet ceased, and the former weakness of the spirit and faith persists."--LW, XLVIII, 143, 174, 232.

⁵¹Perhaps among the very best would be Erik H. Erikson, Young Man Luther-A Study in Psychoanalysis and History (New York: W. W. Norton and Company, Inc., 1958). Todd agrees with one of Erikson's conclusions regarding the inner struggle of Luther, namely, that the Reformer was confronted with constant demands from authoritative father-figures, the rationale of which he could not comprehend. The result of this tension was a real and continual doubt concerning the father's justification and sincerity, whether that father was natural, or a figure from the institution of authority within the Church: "The interpretation is plausible that Martin was driven early out of the trust stage, out from 'under his mother's skirts', by a jealously ambitious father who tried to make him precociously independent from women, and sober and reliable in his work. Hans succeeded, but not without storing in the boy violent doubts of the father's justification and sincerity; a lifelong shame over the persisting gap between his own precocious conscience and his actual inner state; and a deep nostalgia for a situation of infantile trust. His theological solution--spiritual return to a faith which is there before all doubt, combined with a political submission to those who by necessity must wield the sword of secular law--seems to fit perfectly his personal need for compromise. While this analysis does not

have provided us with valuable insights into the sources and dimensions of Luther's conflicts, it seems that no responsible conclusions can be drawn from them to sustain the notion that Luther was mentally unbalanced. Indeed, there is no such evidence from any of Luther's own contemporaries.⁵² Erikson himself, while carefully maintaining the limitations of his own professional competence, pays high tribute to Luther and his work on the basis of the analysis which he made: "His basic contribution was a living reformulation of faith. This marks him as a theologian of the first order; it also indicates his struggle with the ontogenetically earliest and most basic problems of life. He saw as his life's work a new delineation of faith and will, of religion and the law: for it is clear that organized religiosity, in circumstances where faith in a world order is monopolized by religion, is the institution which tries to give dogmatic permanence to a reaffirmation of that basic

explain either the ideological power or the theological consistency of his solution, it does illustrate that ontogenetic experience is an indispensable link and transformer between one stage of history and the next."--Erikson, *op. cit.*, pp. 255, 256. "The guilt undoubtedly has its 'psychological' aspect, the tension between himself [Luther] and any authoritative father-figure."--Todd, *op. cit.*, p. 22.

⁵²Todd, *op. cit.*, p. 73.

trust--and a renewed victory over that basic mistrust--with which each human being emerges from early infancy. In this way organized religion cements the faith which will support future generations. Established law tries to formulate obligations and privileges, restraints and freedoms, in such a way that man can submit to law and order with a minimum of doubt and with little loss of face, and as an autonomous agent of order can teach the rudiments of discipline to his young. The relation of faith and law, of course, is an eternal human problem, whether it appears in questions of church and state, mysticism and daily morality, or existential aloneness and political commitment."⁵³

Finally, in any assessment of possible influences on Luther and his work, the priority should be given, perhaps, to Sacred Scripture. In the final analysis, whoever would oppose Luther in order to refute him must meet him on those grounds. His achievement in the study of the Scripture came about as the result of conscientious endeavor and spiritual struggle. He used every means available to arrive at the correct understanding of the Bible, including the scholastic methods of exegesis and the philology of the humanists. He was learned

⁵³Erikson, op. cit., p. 257.

in the biblical languages. In the end, however, Luther overcame scholastic and humanistic methodology, and depended for his insights upon his own penetrating mind and the judgments of his conscience.⁵⁴

The remainder of this chapter treats of Luther's theological contribution in the areas of justification, ecclesiology, and the role of the laity in the Church. To a large extent, Luther has been allowed to speak for himself. Even though it has been suggested in this introduction that papal absolutism, conciliarism, nominalism, personal anguish of a spiritual and psychological nature, and the Sacred Scriptures themselves constituted significant influence with regard to his achievement, this knowledge in and of itself would remain insufficient. One must read widely in the writings of Luther in order to assess adequately his total contribution to the Christian heritage. Perhaps it is proper and even necessary to suggest today that the thought of Luther, coming at a time when such inspiring doctrines as the Body of Christ and

⁵⁴For a scholarly presentation of Luther's qualifications and competence in the realm of Sacred Scripture, including a complete analysis of scholastic methodology with regard to exegesis, see Luther: Lectures on Romans, ed. Wilhelm Pauck--The Library of Christian Classics (26 vols.; Philadelphia: Westminster Press, 1953-1966), XV, General Introduction, xvii-lxvi.

the Eucharistic unity of the first centuries had been completely institutionalized and built up into a vast juridical framework, highly articulated in libraries of abstract philosophy and theology,⁵⁵ should not be allowed, if possible, to remain outside of authentic Catholic tradition. Since the Church, at the present time, is in a position to reap the benefits of centuries of dogmatic development, then perhaps genuine scholarship will find it possible to inculcate the richness of the Reformation heritage for all of Christendom to share.

⁵⁵Todd, op. cit., p. 71.

Article 1. Justification

The doctrine of justification stands at the very heart of Luther's theology. It is the cornerstone upon which stands or falls the theological validity of any question relating to Christian life. Luther himself attested to this very fact in his commentary on the Epistle to the Galatians.⁵⁶

Stated quite simply, the doctrine of justification is nothing else than faith in Christ, when this is properly understood.⁵⁷ Justifying faith, in its most orthodox expression, is perfectly exclusive. All human self-confidence, all human self-trust, all human righteousness and all human endeavor are totally and perpetually excluded when it is a matter both of initiation and continued growth in a salvific relationship between Christ and the individual believer. "Luther understands justification as God's act of crediting, imputing, or recognizing (imputare, reputare) as righteous, that is, as the act through which God grants

⁵⁶"For if we lose the doctrine of justification, we lose simply everything. Hence, the most necessary and important thing is that we teach and repeat this doctrine daily, as Moses says about his Law (Deut. 6: 7). For it cannot be grasped or held enough or too much."--Luther, Lectures on Galatians (1535), Chapters 1-4, at 1:3--LW, XXVI, 26.

⁵⁷Althaus, op. cit., p. 225.

a man value in relationship to him."⁵⁸ Justification consists primarily in the fact that God does not impute sin, but rather forgives it.⁵⁹ Therefore, the non-imputation of sin is equivalent to the imputation of righteousness.

The basic foundation for this assertion lies in the Passion, Death, and Resurrection of Christ, who, having died for the sins of mankind, was raised by the Father for mankind's justification (Romans 4: 25):

The apostle, however, has the habit of gladly mentioning the resurrection of Christ, especially against those who trust in their own righteousness. Thus he also mentions it at greater length in the salutation of his Epistle to the Romans (Rom. 1: 4), because here, too, he is arguing vigorously against work-righteousness. For those who maintain that righteousness comes by works deny Christ's resurrection and even ridicule it. In Rom. 4: 25 Paul says: "Christ was put to death for our trespasses and raised for our justification." Consequently, he who presumes that he is righteous in any other way than by believing in Christ rejects Christ and considers Christ's Passion and resurrection useless. On the other hand, he who believes in Christ, who died--he

⁵⁸Althaus, op. cit., p. 227. (Emphasis added.)

⁵⁹"We are justified daily by the unmerited forgiveness of sins and by the justification of God's mercy."--Luther, The Disputation Concerning Justification (1536), Argument VII--LW, XXXIV, 167.

himself at the same time dies to sin together with Christ; and he who believes in the resurrected and living Christ--he himself, by the same faith, also rises and lives in him (Gal. 2: 20). Therefore the resurrection of Christ is our righteousness and our life, not only by way of an example but also by virtue of its power. Apart from Christ's resurrection no one can rise, no matter how many good works he does. On the other hand, through His resurrection anyone at all rises, no matter how much evil he has done, as this is treated at greater length in Romans.⁶⁰

Herein lies our own justification: the all-sufficient value of Christ's own righteousness as a result of His saving acts on our behalf. In commenting on Galatians 1: 4 and Romans 5: 10, Luther elucidates the complete gratuity of the gift of justification, which for him is a conveyance totally apart from any consideration of human striving or merit. His remarks seem to reveal a deep awareness of divine condescension:

Every one of these words has a specific meaning and is also emphatic. With them Paul now asserts positively that the Law and man's will amount to nothing at all unless one believes that Christ was delivered for our sins. Paul says: "Who gave" as a free gift to those who did not merit it; he does not say: "He bestowed" as a reward to those who were worthy. Thus he says in Rom. 5: 10: "While we were enemies, we

⁶⁰Luther, Lectures on Galatians (1519), Chapters 1-6, at 1: 2--LW, XXVII, 167, 168.

were reconciled to God by the death of His Son." But He did not give gold or silver. Nor did He give a man or all the angels. No, he gave "Himself," than whom there is nothing greater. Nor does He have anything greater. He gave, I say, so inestimable a price "for our sins," for something so despicable and so utterly deserving of hatred. Oh, the grace and the love of God toward us! With what choice and well-suited words Paul commends the mercy of God the Father and renders it surpassingly sweet to us! Where now are those who boast proudly of free will? Where is the learning of moral philosophy? Where is the virtue of laws, sacred as well as secular, if our sins are so great that they could not be taken away except by paying a price so great? What are we doing when we try to make ourselves righteous by our own will and by laws and teachings except that we cover our sins with a false appearance of righteousness or virtue and make incurable hypocrites? What does virtue profit if sins remain? Therefore we must despair of all these things; and where faith in Christ is not taught, we should consider every virtue to be nothing else than a veil of iniquity and a covering for every kind of filth, just as Christ describes the Pharisees.⁶¹

The concept of "alien" righteousness (i. e., righteousness that is freely obtained in virtue of the meritorious effort of another, and

⁶¹Luther, *op. cit.*, at 1: 4--LW, XXVII, 171, 172. Pelikan reports that the phrase *quo maius nihil est neque habet* is an echo of Anselm. --*Loc. cit.*

not oneself) is present, therefore, in any analysis of Luther's teaching on justification. The Person of Jesus Christ becomes the sinner's righteousness.⁶² It is alien to him because man can do nothing in his own right to lay claim on God for it. It is "passive" justification in that the sinner can only receive the gift from God. The justified man can engender no activity of his own which has intrinsic salvific value, since if this were so, the pricelessness of Christ's redemptive acts would thereby be jeopardized:

Without any merit or work of our own, we must first be justified by Christian righteousness, which has nothing to do with the righteousness of the Law or with earthly and active righteousness. But this righteousness is heavenly and passive. We do not have it of ourselves; we receive it from heaven. We do not perform it; we accept it by faith, through which we ascend beyond all laws and works. "As, therefore, we have borne the image of the earthly Adam," as Paul says, "let us bear the image of the heavenly one" (1 Cor. 15: 49), who is a new man in a new world, where there is no Law, no sin, no conscience, no death, but perfect joy, righteousness, grace, peace, life, salvation, and glory.

⁶²"Thus it comes about that just as all became sinners because of another's sin, so by Another's righteousness all become righteous, as Rom. 5: 19 says: 'As by one man's disobedience many were made sinners, so by the righteousness of one Man, Christ, many are made righteous.' This is the mercy foretold by all the

Then do we do nothing and work nothing in order to obtain this righteousness? I reply: Nothing at all. For this righteousness means to do nothing, to hear nothing, and to know nothing about the Law or about works but to know and believe only this: that Christ has gone to the Father and is now invisible; that He sits in heaven at the right hand of the Father, not as a Judge but as one who has been made for us wisdom, righteousness, sanctification, and redemption from God (1 Cor. 1: 30); in short, that He is our High Priest, interceding for us and reigning over us and in us through grace.⁶³

Further clarification is necessary at this point.

The justification which is ours in virtue of Christ's righteousness nevertheless is truly ours. The righteousness of Christ should not be thought of in terms of a habitus, however, that modifies the sinner in some manner, nor as some kind of an addition to the soul. In justification, Christ is appropriated in faith by the believer in such wise that an identification occurs. Christ makes himself actually present in faith, and so unites himself to the justified man with the result that the righteousness of Christ truly is the Christian's own, "propter Christum."

prophets; this is the blessing promised to Abraham and to his seed, as we shall see later. "--Luther, op. cit., at 2: 15-16--LW, XXVII, 222.

⁶³Luther, Lectures on Galatians (1535), Chapters 1-4--LW, XXVI, 8.

Through faith in Christ, therefore, Christ's righteousness becomes our righteousness and all that he has becomes ours; rather, he himself becomes ours. Therefore the Apostle calls it "the righteousness of God" in Rom. 1 [:17]: For in the gospel "the righteousness of God is revealed. . .; as it is written, 'The righteous shall live by his faith'." Finally, in the same epistle, chapter 3 [:28], such a faith is called "the righteousness of God": "We hold that a man is justified by faith." This is an infinite righteousness, and one that swallows up all sins in a moment, for it is impossible that sin should exist in Christ. On the contrary, he who trusts in Christ exists in Christ; he is one with Christ, having the same righteousness as he. It is therefore impossible that sin should remain in him. This righteousness is primary; it is the basis, the cause, the source of all our own actual righteousness. For this is the righteousness given in place of the original righteousness lost in Adam. It accomplishes the same as that original righteousness would have accomplished; rather, it accomplishes more.⁶⁴

Luther speaks logically, then, of a second kind of righteousness, a "proper" righteousness which is set opposite our own actual sin, just as the "alien" righteousness of Christ is set opposite the sin of Adam. This second type of righteousness is proper,

⁶⁴Luther, Two Kinds of Righteousness (1519)--LW, XXXI, 298, 299. Luther's thought remained unchanged even later. Cf. Lectures on Galatians (1535)--LW, XXVI, 39.

Luther hastens to add, not because we work it alone, as though it were a necessary supplement to faith after the manner of a purely human endeavor, but rather because we work in conjunction with Christ's righteousness:

The second kind of righteousness is our proper righteousness, not because we alone work it, but because we work with that first and alien righteousness. This is that manner of life spent profitably in good works. . . . this righteousness is the product of the righteousness of the first type, actually its fruit and consequence . . . [it] goes on to complete the first for it ever strives to do away with the old Adam and to destroy the body of sin. Therefore it hates itself and loves its neighbor; it does not seek its own good, but that of another, and in this its whole way of living consists.⁶⁵

The element of personal sanctification occupies, therefore, a most logical place in Luther's teaching. Along with the forgiveness of sin (justification in the narrower sense), triumph over sin is conferred by the same Christ who is present in the believer through faith.⁶⁶ Justification establishes man in a new

⁶⁵Luther, Two Kinds of Righteousness (1519)--LW, XXXI, 299, 300.

⁶⁶"The start of a new creature accompanies this faith and the battle against the sin of the flesh, which this same faith in Christ both pardons and conquers."--Luther, The Disputation Concerning Justification (1536), Thesis 35--LW, XXXIV, 153.

creation, and as a consequence, man becomes righteous in himself. But this righteousness, while truly man's own, can never be separated from Christ's righteousness. Viewed as inseparable, as Luther intended, these two effects of faith represent justification in the complete sense of the term.⁶⁷ The Christian's proper righteousness, therefore, is absolutely dependent for its existence and value upon the presence and power of the first or alien righteousness of Christ, which is appropriated in faith by the believer.⁶⁸ In no sense can it be assigned an exclusively independent human value. It follows, and in a real sense completes with an intrinsic necessity, the believer's alien righteousness.⁶⁹ While this proper righteousness is a valid dimension of justification, it is an eschatological dimension which is referred to the present tense: "We are only becoming righteous."⁷⁰

⁶⁷Althaus, op. cit., p. 235.

⁶⁸"The second foundation is the gift they have received, through which they neither walk according to the flesh, nor obey sin. However, the first foundation is the stronger and more important, for although the second amounts to something, it does so only through the power of the first."--Luther, Against Latomus (1521)--LW, XXXII, 239, 240.

⁶⁹Althaus, op. cit., p. 246.

⁷⁰"For we perceive that a man who is justified is not yet a righteous man, but is in the very movement or journey toward

Man's alien righteousness, the "apprehension" of the Person of Christ through faith, is total in the here and now existence of the Christian's sinfulness. The perfect sinlessness of Christ makes justification of the sinner an immediate totality.⁷¹ Thus we speak of a "present" dimension. "The already present righteousness is both a complete and a partial righteousness, depending on the way in which it is viewed."⁷²

It is therefore apparently correct to conclude that the sanctification of the Christian who has humbly submitted to the divine declaration of forgiveness (i.e., the imputation of Christ's righteousness received through faith) includes a human dimension which Luther has conceived of as totally other-directed to the exclusion of self: the authentic Christian existence. This

righteousness."--Luther, The Disputation Concerning Justification (1536), Thesis 23--LW, XXXIV, 152. (Emphasis added.)

⁷¹LW, XXXI, 298, 299.

⁷²Althaus, op. cit., p. 236. "Everyone who believes in Christ is righteous, not yet fully in point of fact, but in hope. For he has begun to be justified and healed, like the man who was half-dead (Luke 10: 30). Meanwhile, however, while he is being justified and healed, the sin that is left in his flesh is not imputed to him. This is because Christ, who is entirely without sin, has now become one with His Christian and intercedes for him with the Father."--Luther, Lectures on Galatians (1519), Chapters 1-6, at 2: 17--LW, XXVII, 227. The "present", "here and now" dimension of justification is always expressed, therefore, in the perfect tense: "We have been made righteous."

Christian life, that is to say, a living service of love to others, in no way supplements God's declaration of righteousness, nor does it carry with it any independent value vis-a-vis salvation. Rather, it follows upon it as a witness to the presence of justifying faith and as a confirmation of divine summons and election.⁷³

Justification contains a twofold righteousness and a twofold forgiveness. "Inner righteousness," by which the Father declares to the man of faith the entire forgiveness of his sins for Jesus' sake, enables the Christian to stand for the entire duration of his life in the presence of God, all the while certain

⁷³"And Paul storms against such people as are numbered among but are not Christians in reality. But if you do not have love, he says, your faith is false and empty, even if it is possible for you to move mountains from place to place. Yet, he does not say that men are justified by works or love. For Paul speaks, as it is necessary for us to speak, in human fashion on account of those who boast of faith without works. True faith is not idle. We can, therefore, ascertain and recognize those who have true faith from the effect or from what follows."--Luther, The Disputation Concerning Justification (1536), Argument 21--LW, XXXIV, 183. "We say that justification is effective without works, not that faith is without works. For that faith which lacks fruit is not an efficacious but a feigned faith. 'Without works' is ambiguous, then. For that reason this argument settles nothing. It is one thing that faith justifies without works; it is another thing that faith exists without works."--Ibid., Argument 12--LW, XXXIV, 176. "Accordingly, if good works do not follow, it is certain that this faith in Christ does not dwell in our heart, but that dead faith, which is plainly an acquired faith."--Luther, Theses Concerning Faith and Law (1535), Thesis 30--LW, XXXIV, III.

of divine favor, in the face of earthly setbacks, in virtue of "clinging to the promise of grace revealed in the gospel."⁷⁴

Resting securely in this promise, the Christian bears witness to others of this grace by genuine works of love. His service is born out of his justification, and constitutes his "external righteousness" before men.⁷⁵

The theologian Karl Barth has produced perhaps one of the most lucid syntheses of Luther's teaching on justification. He concludes in his analysis that the process of justification is, and always remains, a work of God. The process by which man has value in the sight of God totally excludes human works and human achievement. Even faith itself cannot be thought of as a "work." Although a Christian may glory in the justness of his faith, he must never consider his righteousness to be a result of his own effort or power. Barth further concludes that although there remained many things yet to be dis-

⁷⁴John F. Johnson, "Luther on Justification"--Concordia Theological Monthly, XXXVIII (1967), 418.

⁷⁵"Sanctification is intimately connected with justification, according to Luther. God justifies and sanctifies. He forgives sins by reckoning the sinner righteous; he renews the sinner and makes him righteous in heart and life. . . justification and inner renewal must be clearly distinguished but never separated from each other. Genuine faith always produces works of love."--Johnson, loc. cit. Cf. Luther, The Disputation Concerning Justification (1536), Argument V--LW, XXXIV, 161, 162; Althaus, op. cit., pp. 245-250.

covered in Paul's Epistles to the Romans and Galatians by the Reformers, including Luther, nevertheless Luther and Paul held an identical understanding as to the exclusive role of God in the justification process.⁷⁶

Barth also confirms that the strong stress on faith in no way devaluates love. According to his interpretation of Luther's theology, faith and love are as two moments of a single act. However, righteousness in man receives no additional increase or value as a result of works within the context of an independent self-sanctification. All remains, in the dimension of salvific relationship, the sole work of God:

⁷⁶"The sola fide does not actually occur in the Pauline texts. Yet it was not an importation into the texts, but a genuine interpretation of what Paul himself said without using the word sola, when Luther translated Rom. 3: 28: 'Therefore we conclude that a man is justified by faith alone without the deeds of the law.' Say what we will about the possibility and the freedom and the right and the compulsion and the practical necessity of the doing of works --the works of the Law or the works of faith--according to Paul a man is not justified by the fact that he does these works, and therefore to that extent he is justified. . .without them. And the faith by which a man is justified stands alone against this 'without,' even though it is a faith which 'worketh by love' (Gal. 5: 6). But if he is not justified by the works of the holy Law of God, but by faith, then obviously he is justified only by faith, by faith alone, sola fide."--Karl Barth, Church Dogmatics, ed. G. W. Bromiley and T. F. Torrance (Edinburgh: T. and T. Clark, 1936--), IV/1, 622. (Emphasis added.) Cf. Hans Klüng, Justification--The Doctrine of Karl Barth and a Catholic Reflection, trans. Thomas Collins, Edmund Tolk, and David Granskou (New York: Thomas Nelson and Sons, 1964), pp. 72-79.

It amounts to this, that in love man is occupied with something else, and he ought always to be so. It would completely destroy the essential character of Christian love as the freedom given to man and to be kept by man if we tried to burden it with the, in itself, impossible and superfluous task of accomplishing or actualising or even completing the justification of man. No one can and will love God except in the grounding of his being in the fellowship with God realised in that divine judgment. If we are to be justified by faith, in faith we will not look either at our works or our sins. Similarly in love--in the works of our love to God--we will not consider the possibility of trying subsequently to fulfil or to complete of ourselves that grounding of our being.⁷⁷

Conclusions

Luther teaches that justification results from the gracious imputation of Christ's righteousness to the sinner. The sinner, in virtue of faith, appropriates the sacred and salvific accomplishment of Christ's all-sufficient redemptive acts (becoming a curse for us, bearing our sins in his own body on the Cross, and being raised from the dead by the Father) to himself,

⁷⁷Barth, op. cit., IV/1, 104f. (Emphasis added.) Perhaps in emphasizing man's alien righteousness, Barth momentarily overlooks the eschatological dimension of justification developed by Luther. This seems to be apparent where he discusses love as a "completion" of justification. Cf. LW, XXXI, 299, 300; supra, pp. 84-87.

not through his own human endeavor, but by way of the Father's eternal declaration that he is righteous, for the sake of His Son.

The imputation is equivalent to the entire forgiveness of sin, since Christ's victory over sin was total, and it is the victorious Christ who is apprehended in faith.

Since the sinner can lay no claim to God's merciful declaration, his justification is called passive, in that he can only accept God's verdict over him in humility and faith. Man's justification is also connoted as "alien," since it is completely outside of himself or his own proper effort. Justification reposes entirely in the Person of Jesus Christ. Luther's theology of justification is therefore aptly called "Christocentric."

Once justified, Christ's righteousness truly becomes the Christian's own. The adopted son of God has the source and power within him for his own continued growth in holiness and the gradual overcoming of his own actual sin. Good works, or in Luther's view, loving service to neighbor, flow from the presence of justifying faith with intrinsic necessity. This "second righteousness" is called the "eschatological dimension" of justification, and viewed with the Christian's "alien" righteousness, constitutes justification in its most complete sense. The two dimensions are illustrated by the perfect coexistence of two

realities of the same moment: "We have been made (totally) righteous" (propter Christum) and "We are being made righteous."

Man is not justified because of this renewal or second righteousness; rather, he is justified before God solely by the righteousness of Jesus Christ imputed by faith.

Article 2. Ecclesiology

While it is true that Luther was opposed both to the existing empirical church structure of his day, and the Roman conception of the Church, he nevertheless at no time advocated a "church-less" form of Christianity. Quite the contrary. He was convinced that he evolved a true conception of the Church from his understanding of the Gospel.⁷⁸ The Church is the communion of saints, which phrase is placed in apposition to the phrase in the Apostles' Creed, "holy, Catholic church." This communion of saints is a community (Gemeine), a recognizable and visible group (Haufe), the total assembly of all believers who have been called by the Holy Spirit into this fellowship:

"The communion of saints." This is of one piece with the preceding. Formerly it was not in the Creed. When you hear the word "church" understand that it means group, as we say in German, the Wittenberg group or congregation [Gemeine], that is, a holy, Christian group, assembly, or in German, the holy, common church, and it is a word which should not be called 'communion' [Gemeinschaft], but rather 'a congregation' [eine Gemeinde]. Someone wanted to explain the first term, "catholic church" [and added the words] communio sanctorum, which in

⁷⁸Althaus, op. cit., p. 287.

German means a congregation of saints, that is, a congregation made up only of saints. "Christian church" and "congregation of saints" are one and the same thing. In other words: I believe that there is a holy group and a congregation made up only of saints. And you too are in this church; the Holy Spirit leads you into it through the preaching of the gospel.⁷⁹

Up to this point, institutional concerns are absent from this description of the church. However, the concept of institution is immediately included which for Luther even precedes a man's relationship to Christ,⁸⁰ in virtue of the fact that he is summoned to the community by the preaching of the Gospel: the community therefore takes its origin from the Word, and is thoroughly centered in that Word:

⁷⁹Luther, Ten Sermons on the Catechism (1528), The Creed--LW, LI, 166, 167. The same idea of the church as the assembly of the saints is also reflected in the Augsburg Confession of 1530, where Luther's classical definition of the church is found: "Also they [Evangelical, i.e., Lutheran churches] teach, that One holy Church is to continue forever. The Church is the congregation of saints, in which the Gospel is rightly taught and the sacraments rightly administered. And to the true unity of the Church, it is enough to agree concerning the doctrine of the Gospel and the administration of the sacraments. Nor is it necessary that human traditions, rites, or ceremonies, instituted by men, should be everywhere alike. As Paul says: 'One faith, one baptism, one God and Father of all,' etc." [Eph. 4:5,6] -- Augsburg Confession (1530) Art. VII, trans. from the Latin Editio Princeps, 1530-1531 (Philadelphia: United Lutheran Publication House, 1913), p. 10.

⁸⁰Althaus, op. cit., p. 287.

For since the church owes its birth to the Word, is nourished, aided and strengthened by it, it is obvious that it cannot be without the Word. If it is without the Word it ceases to be a church.⁸¹

The holy people of God, the distinctly Christian people, are perfectly and completely identified with the church precisely in the external preaching of the Word of God. Where the Word of God is preached, faith dares not presume that it will be without effect, just in the same way as the prophet Isaiah testified. It is by this sign, this witness that Christ gave, namely, His Word, that the church on earth is recognized. Most importantly, it is exactly in the preaching of the Word, and in its possession by the community, that Luther asserts the fundamental and basic equality, before God, of all Christians, since the Holy Spirit himself administers it and sanctifies the Christian church with it:

⁸¹Luther, Concerning the Ministry (1523)--LW, XL, 37. "The Christian church is your mother, who gives birth to you and bears you through the Word. And this is done by the Holy Spirit who bears witness concerning Christ. Under the papacy nobody preached that Christ is my Lord in the sense that I would be saved without works. There it was an evil and human spirit that was preaching. That spirit preaches Christ, it is true, but along with it, preaches works, that through them a man is saved. The Holy Spirit, however, sanctifies by leading you into the holy church and proclaiming to you the Word which the Christian church proclaims." --Luther, Ten Sermons on the Catechism (1528), The Creed--LW, LI, 166.

First, the holy Christian people are recognized by their possession of the holy word of God. To be sure, not all have it in equal measure, as St. Paul says [1 Cor. 3:12-14]. Some possess the word in its complete purity, others do not. Those who have the pure word are called those who "build on the foundation with gold, silver, and precious stones"; those who do not have it in its purity are the ones who "build on the foundation with wood, hay, and straw," and yet will be saved through fire. More than enough was said about this above. This is the principal item, and the holiest of holy possessions, by reason of which the Christian people are called holy; for God's word is holy and sanctifies everything it touches; it is indeed the very holiness of God, Romans 1 [:16], "It is the power of God for salvation to every one who has faith," and 1 Timothy 4 [:5], "Everything is consecrated by the word of God and prayer," For the Holy Spirit himself administers it and anoints or sanctifies the Christian church with it rather than with the pope's chrism, with which he anoints or consecrates fingers, garb, cloaks, chalices, and stones. These objects will never teach one to love God, to believe, to praise, to be pious. They may adorn the bag of maggots, but afterward they fall apart and decay with the chrism and whatever holiness it contains, and with the bag of maggots itself.

Yet this holy possession is the true holy possession, the true ointment that anoints unto life eternal, even though you cannot have a papal crown or a bishop's hat, but must die bare and naked, just like children (in fact, all of us), who are baptized naked and without any adornment.

But we are speaking of the external word, preached orally by men like you and me, for this is what Christ left behind as an external sign, by which his church, or his Christian people in the world, should be recognized. We also speak of this external word as it is sincerely believed and openly professed before the world, as Christ says, "Everyone who acknowledges me before men, I also will acknowledge before my Father and his angels" [Matt. 10:32]. There are many who know it in their hearts, but will not profess it openly. Many possess it, but do not believe in it or act by it, for the number of those who believe in and act by it is small--as the parable of the seed in Matthew 13 [:4-8] says that three sections of the field receive and contain the seed, but only the fourth section, the fine and good soil, bears fruit with patience.

Now, wherever you hear or see this word preached, believed, professed, and lived, do not doubt that the true ecclesia sancta catholica, "a Christian holy people" must be there, even though their number is very small. For God's word "shall not return empty," Isaiah 55 [:11], but must have at least a fourth or a fraction of the field. And even if there were no other sign than this alone, it would still suffice to prove that a Christian, holy people must exist there, for God's word cannot be without God's people, and conversely, God's people cannot be without God's word. Otherwise, who would preach or hear it preached, if there were no people of God? And what could or would God's people believe, if there were no word of God?

This is the thing that performs all miracles, effects, sustains, carries out, and does everything, exorcises all devils, like pilgrimage-devils, indulgence-devils, bull-devils, brotherhood-devils, saint-devils, mass-devils, purgatory-devils, monastery-devils, priest-devils, mob-devils, insurrection-devils, heresy-devils, all pope-devils, also Antinomian-devils, but not without raving and rampaging, as is seen in the poor men mentioned in Mark 1 [:23-36] and 9 [:17-29]. No, he must depart with raving and rampaging as is evidenced by Emser, Eck, Snot-nose, Schmid, Wetzell, Bumpkin, Boor, Churl, Brute, Sow, Ass, and all the rest of his screamers and scribes. They all are the devil's mouths and members, through whom he raves and rampages. But it does them no good. He must take his leave; he is unable to endure the power of the word. They themselves confess that it is God's word and Holy Scripture, claiming, however, that one fares better with the fathers and the councils. Let them go their way. It is enough for us to know how this chief holy possession purges, sustains, nourishes, strengthens, and protects the church, as St. Augustine also says, "The church is begotten, cared for, nourished, and strengthened by the word of God." But those who persecute and condemn it identify themselves by their own fruits.⁸²

Thus the Word of God, the sign par excellence by which the community on earth, the church, is identified, has a

⁸²Luther, On the Councils and the Church (1539), Part III--LW, XLI, 148-151. The editor, Eric W. Gritsch, observes that the saying which Luther attributed to Augustine, ecclesia verbo dei generatur, alitur nutritur, roboratur, could not be located in Augustine's writings. --n. 393.

double witness-function with regard to the People of God: it points forward because the Word brings the holy people into being; it points backward because in the preaching and hearing of the Word the existence of the Gemeine is already factually indicated.⁸³ Luther immediately lists other visible signs by which the true assembly of believers can be recognized. These are in the first place after the Word, the Sacraments, namely, holy baptism, since it is "a public sign and a precious, holy possession by which God's people are sanctified. It is the holy bath of regeneration through the Holy Spirit, in which we bathe and with which we are washed of sin and death by the Holy Spirit, as in the innocent holy blood of the Lamb of God";⁸⁴ the sacrament of the altar, in the receiving of which Christians publicly exercise their faith, are thereby sanctified, and confess that they are Christians. Other signs that indicate the presence of the church include the public exercise of the office of the keys, the public consecration or calling of ministers to serve the needs of the community, prayer, public praise and thanksgiving to God, and the possession of the sacred cross.⁸⁵

⁸³Althaus, op. cit., p. 290.

⁸⁴Luther, On the Councils and the Church (1539), Part III--LW, XLI, 151.

⁸⁵Luther, ibid. --LW, XLI, 151-166.

The church is visible because the assembly or congregation of believers give rise, in virtue of their common witness, to what are designated the marks of the church. The church's visibility to the world is apparent by reason of these marks. The community of Christ is physically dispersed throughout the entire world, "among pope, Turks, Persians, Tartars, but spiritually gathered in one gospel and faith, under one head, i.e., Jesus Christ."⁸⁶ It arises, and is present, wherever the Word is preached. "Only the proclamation of the Word is necessary to create the church--this is its freedom."⁸⁷ In this sense, Luther asserts that the church is not bound to Rome.⁸⁸

As the church is visible, so also is it invisible, because it is a community of believers. Since faith cannot be seen by the eyes of men, there is an "inwardness" belonging to the church which remains outside the domain of any hierarchical

⁸⁶Luther, Confession Concerning Christ's Supper (1528), Part III--LW, XXXVII, 367.

⁸⁷Althaus, op. cit., p. 290.

⁸⁸"This Christian Church exists not only in the realm of the Roman Church or pope, but in all the world, as the prophets foretold that the gospel of Christ would spread throughout the world, Psalm 2 [:8], Psalm 19 [:4]."--Luther, loc. cit.

claims. "No earthly power can draw the boundaries of the church and decide who belongs to it and who does not. Only Christ, who gives faith to the heart, knows this; and only he sees this faith. Ecclesiastical discipline can exclude from the community of the outward church but never from the 'inward, spiritual, invisible community in the heart' which is given together with faith."⁸⁹

⁸⁹Althaus, *op. cit.*, p. 292. "He says [i.e., St. Paul, Eph. 5:31-32] that Christ and the church are a sacrament, that is, Christ and the church are one body, as husband and wife are, and that this is a great mystery, to be apprehended by faith. It is not visible or tangible; therefore it is a sacrament, that is, something secret, a mystery, invisible, hidden."--Luther, On the Councils and the Church (1539), Part III--LW, XLI, 163, 164. "He reigns [i.e., Christ] in heavenly and spiritual things and consecrates them--things such as righteousness, truth, wisdom, peace, salvation, etc. This does not mean that all things on earth and in hell are not also subject to him--otherwise how could he protect and save us from them? -- but that his Kingdom consists neither in them nor of them. Nor does his priesthood consist in the outer splendor of robes and postures like those of the human priesthood of Aaron and our present-day church; but it consists of spiritual things through which he by an invisible service intercedes for us in heaven before God, there offers himself as a sacrifice, and does all things a priest should do . . . "--Luther, The Freedom of a Christian (1520)--LW, XXXI, 353, 354. "In short, the church is a dwelling in order that God may be loved and heard. Not wood or stones, not dumb animals, it should be people, who know, love, and praise God. And that you may be able to trust God with certainty in all things, including cross and suffering, you should know it is the true church, even though it be made up of scarcely two believing persons. That's why Christ says: He who loves me keeps my Word; there I will dwell, there you have my church."--Luther, Sermon in Castle Pleissenburg, Leipzig (1539)--LW, LI, 309.

It would be a serious error to conclude that the invisibility of the church was understood by Luther in an absolute sense. He never intended that its invisible nature and the impossibility for any ecclesiastical authority to "examine" the faith-existence of the Christian would or should result in the dissolution of the visible community. Luther stressed the "hidden church" so strongly, perhaps in an absolute manner, because of its antithesis to what he considered to be a tyrannical hierarchy.⁹⁰ Indeed; he distinguished carefully between the faith of the heart and the confession of the mouth:

In other words: the faith that leads to righteousness does not reach its goal of righteousness or salvation if it does not arrive at confession. For confession is the principal work of faith: Man denies himself and confesses God and he does this to such an extent that he will deny even his life and everything else before affirming himself. For by confessing God and denying himself, he dies. And how can he better deny himself than by dying in order to confess God? For then he forsakes himself, in order that God and the confession to him may stand.⁹¹

⁹⁰Althaus, op. cit., p. 293.

⁹¹Luther, Lectures on Romans (1515-16), ed. Wilhelm Pauck, at 10:10--The Library of Christian Classics, ed. John Baillie, John T. McNeill, Henry P. Van Dusen (26 vols.; Philadelphia: Westminster Press, 1953-1966), XV, 294. (Hereafter cited as LCC.)

A reflection on this understanding of the church will confirm the necessity of the visible community and the necessity for all Christians to be members of this outward community. Outside of the community of Christ there is no salvation, nor is there forgiveness of sin:

In this Christian Church, wherever it exists, is to be found the forgiveness of sins, i.e., a kingdom of grace and of true pardon. For in it are found the gospel, baptism, and the sacrament of the altar, in which the forgiveness of sins is offered, obtained, and received. Moreover, Christ and his Spirit and God are there. Outside this Christian Church there is no salvation or forgiveness of sins, but everlasting death and damnation; even though there may be a magnificent appearance of holiness and many good works, it is all in vain.⁹²

Therefore the church is both "inward" and "outward" by its nature, as is the individual Christian who lives by faith and who helps comprise the assembly of believers:

This article, "I believe in the holy Christian Church," is as much an article of faith as the rest. This is why natural reason cannot recognize it, even if it puts on all its glasses. The devil can cover it over with offenses and divisions, so that you have to take offense at it. God too can conceal it behind faults and

⁹²Luther, Confession Concerning Christ's Supper (1528), Part III--LW, XXXVII, 368.

shortcomings of all kinds, so that you necessarily become a fool and pass false judgment on it. Christendom will not be known by sight, but by faith. And faith has to do with things not seen, Hebrews 11 [:1]. . . . A Christian is even hidden from himself; he does not see his holiness and virtue, but sees in himself nothing by unholiness and vice.⁹³

"Thus the church of Christ is not a hidden reality in every sense of the word, rather it is also in the public eye. Luther does not distinguish a visible church from an invisible church but teaches that the one and the same church of Christendom is both invisible and visible, hidden and at the same time revealed -- in different dimensions."⁹⁴

To clarify Luther's ecclesiology, it is necessary at this point to introduce the distinction, based on the nature of the

⁹³Luther, Prefaces to the New Testament (1546), II Preface to the Revelation of St. John (1530)--LW, XXXV, 410, 411. "On the contrary, you should call him 'spiritual' who is occupied with the most external kind of works, as Christ was when he washed the disciples' feet, and Peter when he steered his boat and fished. Thus 'the flesh' is a man who lives and works, inwardly and outwardly, in the service of the flesh's gain and of this temporal life. 'The spirit' is the man who lives and works, inwardly and outwardly, in the service of the Spirit and of the future life."--Luther, Preface to the Epistle of St. Paul to the Romans (1546/1522)--LW, XXXV, 372.

⁹⁴Althaus, op. cit., p. 293.

church thus far developed, between the true church and the church-at-a-given-moment of human history. The true church consists of all those believers who have witnessed, and who continue to witness, to God's holy Word in its purity. The achievement of the criterion of the pure Word is not reached by means of the oft repeated slogan, "private interpretation," but from the Scripture which interprets and criticizes itself from its own center: from Jesus Christ and from the radically understood gospel.⁹⁵ Luther himself experienced contradictions against the gospel as he understood it:

By this subtlety the false apostles easily deceived the Galatians, who were not well grounded in faith but were still weak. Besides, the question of justification is an elusive thing--not in itself, for in itself it is firm and sure, but so far as we are concerned. I myself have had considerable experience of this, for I know how I sometimes struggle in the hours of darkness. I know how often I suddenly lose sight of the rays of the Gospel and of grace, which have been obscured for me by thick, dark clouds. In other words, I know how slippery the footing is even for those who are mature and seem to be firmly established in matters of faith. We have an understanding of this, because we are

⁹⁵Althaus, op. cit., p. 336.

able to teach it; and this is a sure sign that we have it, for no one is able to teach others what he himself does not know.⁹⁶

But since Scripture was the servant, the means which led one to the Lord, Luther used the inspired Word in St. Paul to establish a kind of "tutorism" by which contradictions facing him were resolved in favor of God's supremacy and Christ's Lordship, and not to earthly men, be they even pope or council:

Therefore see to it how you can reconcile Scripture, which, as you say, contradicts itself. I for my part shall stay with the Author of Scripture. Therefore if someone is not sufficiently educated to be able to reconcile or resolve such passages of Scripture about works and is obliged nevertheless to listen to the insistence of our opponents as they vigorously press such passages, let such a person simply reply as follows: "You are stressing the servant, that is, Scripture--and not all of it at that or even its more powerful part, but only a few passages concerning works. I leave this servant to you. I for my part stress the Lord, who is the King of Scripture. He has become my merit and the price of my righteousness and salvation. I hold to Him, I cling to Him, and I leave to you the works that you have never per-

⁹⁶Luther, Lectures on Galatians (1535), at 1:11-12--
LW, XXVI, 63, 64. The editor, Pelikan, adds the note that in this passage Luther is describing the conflicts of faith and doubt that he usually calls Anfechtungen.--n. 43.

formed anyway." Neither the devil nor any self-righteous person can rob you of this answer or refute it. You are also safe in the sight of God; for your heart is fixed on the object of faith, who is called Christ.⁹⁷

⁹⁷Luther, op. cit., at 3:14--LW, XXVI, 295, 296. (Emphasis added.) "Thus the devil, transformed into an angel of light (2 Cor. 11:14), craftily attacks us today through certain evil hypocrites, who say: 'We hold no brief for the pope or the bishops, those great despisers and persecutors of the Word; and we abhor the hypocrisy of the monks. But we are concerned that the authority of the holy catholic church stand unimpaired. The church has believed and taught this way for so many centuries; so have all the fathers of the primitive church, who were saints, more ancient and more learned than you are. Who are you, then, to take it upon yourself to dissent from all these and to bring us an opposing doctrine?' When Satan conspires with your flesh and your reason to argue this way, your conscience is terrified and despairs completely, unless you continually recover your sense and say: 'Whether it is St. Cyprian, Ambrose, or Augustine, St. Peter, Paul, or John, yes, or even an angel from heaven that teaches otherwise--I still know this for certain, that what I teach is not from men but from God. That is, I attribute everything solely to God and nothing at all to men.' I recall that when my movement first began, Dr. Staupitz, a very worthy man and the vicar of the Augustinian Order, said to me: 'It pleases me very much that this doctrine of ours gives glory and everything else solely to God and nothing at all to men; for it is as clear as day that it is impossible to ascribe too much glory, goodness, etc. to God.' So it was that he consoled me. And it is true that the doctrine of the Gospel takes away all glory, wisdom, righteousness, etc. from men and gives it solely to the Creator, who makes all things out of nothing. Furthermore, it is far safer to ascribe too much to God than to men. For here I can declare boldly: 'All right, let the holy church, Augustine and other fathers, also Peter and Apollos, yes, even an angel from heaven, teach an opposing doctrine! Still my doctrine is one that preaches and worships God alone, and it condemns the righteousness and the wisdom of all men. Here I cannot go wrong, for both to God and to man I ascribe what properly and truly belongs to each.'"⁻⁻⁻Luther, op. cit., at 1: 11, 12--LW, XXVI, 65, 66. (Emphasis added.)

This method of meeting Christ in His holy Word was, for Luther, far from arbitrary. "It was given to him by the Apostle Paul in Romans 4:17, 'Abraham believed in the God who calls into existence the things that do not exist.'"⁹⁸ While not an absolute biblicalist, Luther insisted that the common witness of the true church would preserve only those elements from Christian tradition which harmonized with the truth of God's Word, or, if not mentioned in Scripture, did not oppose it. This common witness was insured by the presence of the Holy Spirit in God's People. Tradition was to be measured, for the establishment of its validity, against the clear testimony of Scripture.

That the assistance of the Holy Spirit had been promised in order to preserve the historical continuity of the true church, was never denied by Luther. While firmly asserting that the universal church cannot err, he denied this prerogative to any individual or individual group within the church after the time of the Apostles, i.e., those who had been definitively chosen for the proclamation of the Gospel by the Lord Himself:

Nevertheless, since in the meantime
we are inconstant in spirit, and the flesh

⁹⁸Althaus, op. cit., p. 337.

wars with the spirit, it is necessary, also on account of inconstant souls, to adhere to certain commands and writings of the apostles, lest the church be torn to pieces. For we are not all apostles, who by a sure decree of God were sent to us as infallible teachers. For that reason, it is not they, but we, since we are without such a decree, who are able to err and waver in faith. Hence, after the apostles no one should claim this reputation that he cannot err in the faith, except only the universal church.⁹⁹

However, the notion that the true church, with its assurance of preservation by the Spirit, is identified perfectly and at all times any given historical ecclesiastical structure, is flatly denied by Luther:

For who knows which is the church that has the spirit? For when such decisions are made there are usually only a few bishops or scholars present; and it is possible that these may not be really of the church. All may err, as councils have repeatedly erred, particularly the Council of Constance, which erred most wickedly of all. Only that which has the approval of the church universal, and not of the Roman church alone, rests on a trustworthy foundation.¹⁰⁰

⁹⁹Luther, Theses Concerning Faith and Law (1535), Theses 58-61--LW, XXXIV, 113.

¹⁰⁰ Luther, The Babylonian Captivity of the Church (1520)--LW, XXXVI, 108. An example of the errors of Constance that Luther had in mind was the fact that the Council sanctioned

The true church, the reality of which Luther compared to the "remnant" of the Old Testament People of God, can always distinguish the Word of God from the word of men, since she is under the enlightenment of the Holy Spirit:

This one thing indeed the church can do: It can distinguish the Word of God from the words of men; as Augustine confesses that he believed the gospel because he was moved by the authority of the church which proclaimed that this is the gospel. Not that the church is therefore above the gospel; if that were true, she would also be above God, in whom we believe because the church proclaims that he is God. But, as Augustine says elsewhere, the truth itself lays hold on the soul and thus renders it able to judge most certainly of all things; however, the soul is not able to judge the truth, but is compelled to say with unerring certainty that this is the truth. For example, our mind declares with unerring certainty that three and seven are ten; and yet it cannot give a reason why this is true, although it cannot deny that it is true. It is clearly taken captive by the truth; and, rather than judging the truth, it is itself judged by it. There is such a mind also in the church, when under the enlightenment of the Spirit she judges and approves doctrines; she is unable to prove it, and yet is most certain of having it. For as among philosophers no one judges the general concepts, but all

the withholding of the cup from the laity, and burned John Huss at the stake for disputing it (July 6, 1415). -- thus editor Abdel R. Wentz, LW, XXXVI, 27, n. 552. Cf. Denz., 1198-1230.

are judged by them, so it is among us with the mind of the Spirit, Who judges all things and is judged by no one, as the Apostle says [1 Cor. 2:16].¹⁰¹

Luther does not deny, by any means, that the true church exists in the Roman Church. He affirmed that much exists in the papal church which conforms to biblical truth, and is thus recognized as such by the church of faith:

We on our part confess that there is much that is Christian and good under the papacy; indeed everything that is Christian and good is to be found there and has come to us from this source. For instance we confess that in the papal church there are the true holy Scriptures, true baptism, the true sacrament of the altar, the true keys to the forgiveness of sins, the true office of the ministry, the true catechism in the form of the Lord's Prayer, the Ten Commandments, and the articles of the creed. Similarly, the pope admits that we too, though condemned by him as heretics, and likewise all heretics, have the holy Scriptures, baptism, the keys, the catechism, etc. O how do you dissemble? How then do I dissemble? I speak of what the pope and we have in common. He on his part dissembles toward us and heretics and plainly admits what we and he have in common. I will continue to so dissemble, though it does me no good. I contend that in the papacy there is true Christianity, even the right kind of Christianity and

¹⁰¹Luther, op. cit. --LW, XXXVI, 107, 108.

many great and devoted saints. Shall
I cease to make this pretense?¹⁰²

Since the Roman Church has always had those within her midst who have lived and died in true faith, i.e., in accordance with the text of the pure gospel and the sacraments which God has always preserved, truth has always been present throughout the continuum of the church's history. "But this continuity of leadership through the Spirit and of the preservation of the true church is definitely not identical with and is not guaranteed by the official tradition and supposed apostolic succession of the ecclesiastical structure."¹⁰³

Perhaps the most significant foundation in Luther's ecclesiology upon which a theology of the role of the laity can be built is in his understanding of the communio sanctorum. It has been indicated that Luther understood communio as Haufe, Gemeinde, i.e., an assembly or community of believers. But the idea of communio as participation (Gemeinschaft) is also very much present in his ecclesiology:

The significance or effect of this sacrament [i.e., of the Altar] is fellowship of all the saints. From this it

¹⁰²Luther, Concerning Rebaptism (1528)--LW, XL, 231, 232.

¹⁰³Althaus, op. cit., p. 344.

derives its common name synaxis [Greek] or communio [Latin], that is fellowship. And the Latin communicare [commune or communicate], or as we say in German, zum sacrament gehen [go to the sacrament], means to take part in this fellowship. Hence it is that Christ and all saints are one spiritual body, just as the inhabitants of a city are one community and body, each citizen being a member of the other and of the entire city. All the saints, therefore, are members of Christ and of the church, which is a spiritual and eternal city of God. And whoever is taken into this city is said to be received into the community of saints and to be incorporated into Christ's spiritual body and made a member of him.¹⁰⁴

The theological concept of the "participation" (Gemeinschaft) of the saints was purified by:

(1) restoring the meaning of "saint" from its medieval understanding to the biblical understanding, i.e., from a conception of those who are blessed and participating in glory to the idea of all those who believe in Christ:

Today we understand the "saints" to be the blessed ones who have been glorified; the apostle, however, and, indeed, the whole Scripture, call "saints" all who believe in Christ. This is perhaps the reason why nowadays one does not readily communicate

¹⁰⁴Luther, The Blessed Sacrament of the Holy and True Body of Christ, and the Brotherhoods (1519)--LW, XXXV, 50, 51.

to the saints; one believes that there are no longer any. Why, then, does the apostle say in Rom. 1:7: "to all that are . . . called to be saints" and in 1 Cor. 7:14: "The unbelieving husband is sanctified by the believing wife" and in 1 Peter 1:16: "You shall be holy, for I am holy," the Lord, your God?

He speaks here of the feeling of compassion, urging Christians to make the needs of the saints a common concern of theirs through compassion, according to Heb. 10:33f: "On the one hand, by reproaches and tribulations, you were made a gazing stock; and on the other, became companions of them that were bands," etc. This is disregarded by people who blush when they see the needs of the saints and are ashamed of them.¹⁰⁵

Thus, in a real concrete sense, Luther brought the community of the saints down from heaven and placed it here on earth;

(2) understanding "participation" (Gemeinschaft) as "sharing," not in the sense that the medieval church held, i.e., a sharing in a "treasury of merit," since this was a materialized conception which Luther criticized from different aspects: a) No saint on earth could possibly abound in merit:

No saint has adequately fulfilled God's commandments in this life. Consequently

¹⁰⁵Luther, Lectures on Romans (1515-16), at 12:13--
LCC, 351.

the saints have done absolutely nothing which is superabundant. Therefore they have left nothing to be allocated through indulgences.¹⁰⁶

b) Since our justification is a free and unmerited gift from God, the transfer of another's achievement to a living Christian had lost all meaning. No one can believe, obey, or die for another. The treasury of the saints, and the accompanying notions of moralism, works, and the linking of the church militant with the church suffering and the church triumphant via this method of spiritual transfer was rendered superfluous by Luther's theology of justification. Merit was replaced by serving one another:

Therefore this part of the thesis has been proved, that is, that the merits of the saints cannot act as a treasury for us since the saints themselves considered them deficient; unless someone should think that they are a treasure for us, not because they are surplus merits, but because the church is a communion of saints in which each one works for the other, as members one of another. But the saints did this during their lifetime, and if they were to do it now, it would be accomplished by intercession rather than by the power of the keys.¹⁰⁷

¹⁰⁶Luther, Explanations of the Ninety-five Theses (1518), at Thesis 58--LW, XXXI, 213.

¹⁰⁷Luther, op. cit., --LW, XXXI, 215, 216.

c) Understanding "sharing" as consisting in the transfer of measurable values in ordine ad salutem is essentially selfish and does not allow true community to exist. In the medieval church, community was dominated by the theme, "Love begins at home." Service to neighbor had as its primary motivation "my individual salvation:"

We should note that these words will appear strange and even foolish to those who regard themselves as holy and who love God with a covetous love, i.e., for the sake of their own salvation and eternal rest and for the purpose of avoiding hell, in other words: not for God's sake but for their own sake. They are the ones who babble that ordered love begins with itself and that everyone must first of all wish his own salvation and then his neighbors' as his own. Such notions show that they do not know what it means to be saved and blessed, unless, of course, they take this to mean a happy and good life as they like to imagine it for themselves. But as a matter of fact, to be blessed means to seek in everything God's will and his glory, and to want nothing for oneself, neither here nor in the life to come.¹⁰⁸

¹⁰⁸Luther, Lectures on Romans (1515-16), at 9:3-5 -- LCC, 262. Althaus states that Duns Scotus and Gabriel Biel, as well as Thomas Aquinas taught that "charity begins at home."-- Op. cit., p. 302, n. 27. Aquinas teaches that man may not prefer the salvation of another to his own salvation: One may not sin in order to prevent another man from sinning. The question

Luther alludes to the same idea in his Explanations of the Ninety-five Theses:

We know our condition and we grieve over it, but we do not flee like the heretics and pass by the one who is half dead [Luke 10:30] as though we were afraid of being stained by the sins of others. Because of this foolish fear these heretics are so afraid that they are not ashamed to boast that they flee in order that they themselves may not be polluted. So great is their love. But, however wretchedly the church operates, we stand by it ever so faithfully and hasten to its aid with tears, prayers, admonitions, and supplications. For love commands us thus "to bear one another's burdens" [Gal. 6:2], not as the love of heretics does, which seeks only to take advantage of another in order that it may be supported and endure nothing harmful from the sins of others. But if Christ and his saints had wanted to do that, who would have been saved?¹⁰⁹

of the priority of love does not arise except in the context of a threat to salvation, namely, sin. The goal to be sought is the love of God, while salvation is the effect. Cf. Summa Theologiae, II-II, q. 26, a. 4; also II-II, q. 27, a. 8. The 'inversion of Aquinas' negative assertion would result, however, in a "work-morality." By stating Aquinas' position affirmatively, one would have to maintain that a Christian has to secure his own salvation first. Not only would this understanding be abhorrent to Luther, it would also be a perversion of Aquinas' teaching. Cf. also Duns Scotus, II Sent., d. 29, q. un.; Gabriel Biel, III Sent., d. 29, q. un., a. 2, concl. 4.

¹⁰⁹Luther, op. cit., at Thesis 80--LW, XXXI, 246. Here it appears that Luther understands Aquinas in the sense explained in n. 108, in taking exception to that framework.

(3) The understanding that the true sharing of the saints means a genuine fellowship of believers, who, having been set free from "work-righteousness" and who submit in faith to God's gracious declaration of forgiveness in Christ, identify with each other's situation and identify with each other's burdens, as a means of mutual aid in achieving freedom in faith:

Community rests upon the fact that Christ's sacrifice of love makes the believers one body or "one loaf" with Christ and therefore also with each other. The Holy Spirit makes each one who believes the word a member of the body of Christ. Existence for one's self ceases; it is replaced, however, not by mystical absorption into each other but rather by full sharing [Gemeinschaft] of life through love.¹¹⁰

"Participation in the community involves every member in a simultaneous gift and task, grace and calling."¹¹¹ The gift of

¹¹⁰Althaus, op. cit., p. 304. "Therefore, since the spirit of Christ dwells within Christians, by means of which brothers become co-heirs, one body, and citizens of Christ, how is it possible for us not to be participants in all the benefits of Christ? Christ himself has all that belongs to him from the same Spirit. So it happens through the inestimable riches of the mercies of God the Father, that a Christian can be glorified with Christ and can with confidence claim all things in Christ. Righteousness, strength, patience, humility, even all the merits of Christ are his through the unity of the Spirit by faith in him."--Luther, op. cit., at Thesis 37--LW, XXXI, 190.

¹¹¹Althaus, op. cit., p. 305.

faith and the call to serve comprise the very nature of the community, a community acting as one, constantly transforming itself to the form of a servant:

As love and support are given you, you in turn must render love and support to Christ in his needy ones. You must feel with sorrow all the dishonor done to Christ in his holy Word, all the misery of Christendom, all the unjust suffering of the innocent, with which the world is everywhere filled to overflowing. You must fight, work, pray, and--if you cannot be more--have heartfelt sympathy. See, this is what it means to bear in your turn the misfortune and adversity of Christ and his saints. Here the saying of Paul is fulfilled, "Bear one another's burdens, and so fulfill the law of Christ" [Gal. 6:2]. See, as you uphold all of them, so they all in turn uphold you; and all things are in common, both good and evil. Then all things become easy, and the evil spirit cannot stand up against this fellowship.¹¹²

¹¹²Luther, The Blessed Sacrament of the Holy and True Body of Christ, and the Brotherhoods (1519)--LW, XXXV, 54. "And through the interchange of his blessings and our misfortunes, we become one loaf, one bread, one body, one drink, and have all things in common. O this is a great sacrament, says St. Paul, that Christ and the church are one flesh and bone. Again through this same love, we are to be changed and to make the infirmities of all other Christians our own; we are to take upon ourselves their form and their necessity, and all the good that is within our power we are to make theirs, that they may profit from it. That is real fellowship, and that is the true significance of this sacrament. In this way we are changed into one another and are made into a community by love. Without love there can be no such change."--Luther, op. cit. --LW, XXXV, 58.

Conclusions

The church is the visible community of all those who have responded (faith) to the summons of the Holy Spirit to acknowledge the Father's freely offered and totally unmerited declaration of forgiveness and salvation according to the righteousness of His Son, Jesus Christ.

This summons is externalized in the heralding of God's Word which thereby becomes a creative factor in bringing the church into existence. The church is rooted in the Word of God in such wise as to maintain its existence and growth. The Word is the sign, along with the Sacraments, of the presence of the church on earth.

The one church also has a dimension of invisibility or inwardness, since faith and grace cannot be seen or judged by the eyes of any man. But the one and the same church lives both inwardly and outwardly, as does each individual member. Outside of this community of believers there is no salvation.

The true church is distinguished from the empirical (i.e., its manifestation at any given historical moment) church. It is not necessarily identified with it, though it always exists

in an historical continuum, either present in and with the empirical church or not, depending upon the presence or non-presence of faithful witness to God's holy Word in its purity. On this basis, the true church can exist where only two or three are gathered, in faith, in the Name of Christ, and on the other hand, be entirely absent from a council of the church. That the true church would coincide with a council is according to Luther, an accidental and empirical factor. One cannot assign the prerogative of infallibility in matters of faith to any person or group in the church, and argue to God's truth on that basis. Only the universal church, whether in its visible or invisible dimensions, its hidden and/or empirical reality, can claim total lack of error in matters of faith, according to the divine promise.

The community of believers (Gemeinde) is also a participation or sharing (Gemeinschaft) in the life of the members, i.e., Christ's Body. This sharing is incumbent on all members alike, and constitutes the visible and existential dimensions of justifying faith which unites all in the true church. It is conceived of as a living service of love, the personal assumption of the burden of the whole body, in a freedom which never seeks its own, but in a freedom which always maintains fullest confidence in the fulfillment of God's saving promises.

Article 3. The Laity in the Church

Any attempt to grasp the full impact of Luther's teaching regarding the role of the laity must be founded on an adequate comprehension of his theology of justification and the church. As a result of God's forensic declaration of divine favor to the sinner who acknowledges his Son's redemptive role in faith, salvation is thus assured in the unmerited forgiveness of Christ. Therefore, the grateful Christian is set free from the bondage of a "work-righteousness" conception of salvation and is able to serve his neighbor's well-being with a motivation that is totally other-directed. It is not a service that justifies in itself, but is a service that flows with intrinsic necessity from true faith, and is ultimately rooted in faith. It is faith working through love:

As I have said, therefore, Paul is describing the whole of the Christian life in this passage: inwardly it is faith toward God, and outwardly it is love or works toward one's neighbor. Thus a man is a Christian in a total sense: inwardly through faith in the sight of God, who does not need our works; outwardly in the sight of men, who do not derive any benefit from faith but do derive benefit from works or from our love. When one has heard or recognized this form of the Christian life, namely, as I have said, that it is faith and works,

one has not yet said what faith is and what love is; for this is another matter for discussion. Earlier Paul has discussed faith, its internal nature, power, and function, and has taught that it is righteousness or rather justification in the sight of God. Here he connects it with love and works; that is, he speaks of its external function. Here he says that it is the impulse and motivation of good works or of love toward one's neighbor.¹¹³

A Christian apostolate based on a "divine indicative" of God's grace, rather than on the "divine imperative" of God's law, safeguards the believer's freedom to discover, through the guidance and influence of the Holy Spirit (known through Scripture, the Church, and prayer) what God desires him to do in the here and now situation of his Christian life.¹¹⁴

The other source for the Christian apostolate is based on ecclesiology, and is denoted as the evangelical priesthood of all believers. When Christ takes our sin upon himself and intercedes on our behalf, he acts as High Priest. He himself gives the commission to all Christians to bear the burdens of one another (Gal. 6:2) :

¹¹³Luther, Lectures on Galatians (1535), at 5:6--LW, XXVII, 30.

¹¹⁴LW, XLIV, xiii.

A very considerate commandment, to which Paul adds great praise as a kind of exclamation. The Law of Christ is the law of love. After redeeming and regenerating us and constituting us as His church, Christ did not give us any new law except the law of mutual love (John 13:34): "A new commandment I give to you, that you love one another, even as I have loved you"; and again (v. 35): "By this all men will know that you are My disciples." To love does not mean, as the sophists imagine, to wish someone else well, but to bear someone else's burdens, that is to bear what is burdensome to you and what you would rather not bear. Therefore a Christian must have broad shoulders and husky bones to carry the flesh, that is, the weakness, of the brethren; for Paul says that they have burdens and troubles. Love is sweet, kind, and patient--not in receiving but in performing . . . 115

The church therefore is rooted in Christ's Priesthood and, since all Christians have put on Christ and have become identified with Him in the waters of Holy Baptism, they are consequently all priests:

For a priest, especially in the New Testament, was not made but was born. He was created, not ordained. He was born not indeed of flesh, but through a birth of the Spirit, by water and Spirit

¹¹⁵Luther, Lectures on Galatians (1535), at 6:2--LW, XXVII, 113.

in the washing of regeneration [John 3:6f; Titus 3:5f]. Indeed, all Christians are priests, and all priests are Christians.¹¹⁶

The priesthood of all believers was never understood by Luther to mean a Christian's freedom to stand in a direct relationship to God without a human mediator.¹¹⁷ Rather, he conceived of the Christian's priesthood in terms of evangelical authority to come before God on behalf of his brethren and the entire world.¹¹⁸

The highest priestly office incumbent upon any Christian is the right and the duty to profess and spread God's Word. Luther also included other priestly activities usually associated exclusively with the official ministry:

But let us go on and show from the priestly offices (as they call them) that all Christians are priests in equal degree. For such passages as, "You are a royal priesthood" (1 Pet. 2 [:9]) and, "Thou has made them a kingdom and priests" (Rev. 5 [:10]), I have sufficiently treated in other books. Mostly the functions of a priest are these: to teach, to preach and proclaim

¹¹⁶Luther, Concerning the Ministry (1523)--LW, XL, 19.

¹¹⁷Althaus, op. cit., p. 314.

¹¹⁸Althaus, loc. cit.

the Word of God, to baptize, to consecrate or administer the Eucharist, to bind and loose sins, to pray for others, to sacrifice, and to judge of all doctrine and spirits. Certainly these are splendid and royal duties. But the first and foremost of all on which everything else depends, is the teaching of the Word of God. For we teach with the Word, we consecrate with the Word, we bind and absolve sins by the Word, we baptize with the Word, we sacrifice with the Word, we judge all things by the Word. Therefore when we grant the Word to anyone, we cannot deny anything to him pertaining to the exercise of his priesthood. This Word is the same for all, as Isaiah says, "All your sons shall be taught by the Lord" [Isa. 54:13]. They are taught by the Lord, who hear and learn from the Father, as Christ explains in John 6 [:45]. And hearing is through the Word of Christ (Rom. 10 [:17]) in order that the praise of Ps. 149 [:9] may be realized: "This glory for all his faithful ones." For whom? "Let the high praises of God be in their throats and two-edged swords in their hands, to wreak vengeance on the nations and chastisement on the peoples, to bind their kings with chains and their nobles with fetters of iron, to execute on them the judgment written" [Ps. 149:6f].

The first office, that of the ministry of the Word, therefore, is common to all Christians. This is clear, from what I have already said, and from 1 Pet. 2 [:9], "You are a royal priesthood that you may declare the wonderful deeds of him who called you out of darkness into his marvelous light." I ask, who are these who are called out of darkness into marvelous light? Is it only the shorn and anointed masks? Is it not all Christians?

And Peter not only gives them the right, but the command, to declare the wonderful deeds of God, which certainly is nothing else than to preach the Word of God. But some imagine a twofold priesthood, one spiritual and common to all, the other external and limited, and say that Peter here speaks of the spiritual one. But what is the function of this limited and external office? Is it not to declare the wonderful deeds of God? But this Peter enjoins on the spiritual and universal priesthood. In truth these blasphemers have another, external, ministry in which they declare, not the wonderful deeds of God, but their own and the pope's impious deeds. So, as there is no other proclamation in the ministry of the Word than that which is common to all, that of the wonderful deed of God, so there is no other priesthood than that which is spiritual and universal, as Peter here defines it.¹¹⁹

All Christians possess Christ's Priesthood in equal degree, and therefore all are authorized to exercise that priesthood. But since it would not be possible for every member of the church to publicly preach the Word and administer the Sacraments, this public ministry is committed to a member of the congregation, to be exercised in the name of, and for the sake of, the church:

It is of the common rights of Christians that we have been speaking. For since we have proved all of these things to be the common property of all Christians, no one individual can arise by his

own authority and arrogate to himself alone what belongs to all. Lay hold then of this right and exercise it, where there is no one else who has the same rights. But the community rights demand that one, or as many as the community chooses, shall be chosen or approved who, in the name of all with these rights, shall perform these functions publicly. Otherwise, there might be shameful confusion among the people of God, and a kind of Babylon in the church, where everything should be done in order, as the Apostle teaches [1 Cor. 14:40]. For it is one thing to exercise a right publicly; another to use it in time of emergency. Publicly one may not exercise a right without consent of the whole body or of the church. In time of emergency each may use it as he deems.¹²⁰

There is a double derivation, as it were, for the official ministry, from below, i.e., from the universal priesthood of believers and from above, i.e., from Christ. The public ministry is derived from below, that is to say, from the community of believers who share the priesthood of Christ equally, and who consult, designate, and choose one of their number to exercise the public ministry within their midst. The authority rests in the congregation, and therefore no individual may presume, on his own authority to exercise in a public manner that priesthood which is common to all, without the summons or call of the assembly:

¹²⁰Luther, op. cit. --LW, XL, 34.

Let everyone, therefore, who knows himself to be a Christian, be assured of this, that we are all equally priests, that is to say, we have the same power in respect to the Word and the sacrament. However, no one may make use of this power except by the consent of the community or by the call of a superior. (For what is the common property of all, no individual may arrogate to himself, unless he is called.) And therefore this "sacrament" of ordination, if it is anything at all, is nothing else than a certain rite whereby one is called to the ministry of the church. Furthermore, the priesthood is properly nothing but the ministry of the Word--the Word, I say; not the law, but the gospel.¹²¹

The authority of the office-holder is no more than any other Christian in the congregation. For Luther, the only difference between the office of ordinary Christian layman and the official minister consists in the public character of the latter:

Paul confirms this in 1 Cor. 14 [:26] as he speaks not to the shorn or to a few, but to the whole church and each individual Christian: "Each one of you has a hymn, a lesson, a revelation, a tongue or an interpretation." And further on: "For you can all prophesy one by one, so that all may learn and all be encouraged" [1 Cor. 14:31].

¹²¹Luther, The Babylonian Captivity of the Church (1520) --LW, XXVI, 116. Even if the call is issued by the superior, it still must be with the consent of the community. Cf. Althaus, op. cit., pp. 331, 332.

For say, what is meant by "each one of you?" And by "all?" Can this mean only the shorn? These passages very strongly and clearly corroborate that the ministry of the Word is the highest office in the church, that it is unique and belongs to all who are Christians, not only by right but by command. Indeed it is not a priesthood if it is not unique and common to all. Nothing can prevail against these divine thunders, be it numberless fathers, innumerable councils, the custom of ages, or a majority of all the world.¹²²

For this reason, it would be more appropriate, according to Luther, to call the clergy "servants," not priests. The distinction between clergy and laity is not one, therefore, of status or dignity based upon what clerics are, but rather is a distinction based upon what they do: publicly serve the congregation in the administration of Word and Sacrament, in the name of all, and for the sake of all:

On this account I think it follows that we neither can nor ought to give the name priest to those who are in charge of Word and sacrament among the people. The reason they have been called priests is either because of the custom of heathen

¹²²Luther, Concerning the Ministry (1523)--LW, XL, 22, 23. "So when women baptize, they exercise the function of priesthood legitimately, and do it not as a private act, but as a part of the public ministry of the church which belongs only to the priesthood."--Luther, loc. cit.

people or as a vestige of the Jewish nation. The result is greatly injurious to the church. According to the New Testament Scriptures better names would be ministers, deacons, bishops, stewards, presbyters (a name often used and indicating the older members). For thus Paul writes in 1 Cor. 4 [:1], "This is how one should regard us, as servants of Christ and stewards of the mysteries of God." He does not say, "as priests of Christ," because he knew that the name and office of priest belonged to all. Paul's frequent use of the word "stewardship" or "household," "ministry," "minister," "servant," "one serving the gospel," etc., emphasizes that it is not the estate, or order, or any authority or dignity that he wants to uphold, but only the office and the function. The authority and the dignity of the priesthood resided in the community of believers.¹²³

The derivation from above, as regards the official ministry, consists in the realization that the church was intended by Christ to exist long past the first generation of Christians. Since the Word, therefore, constantly creates the community anew throughout human history, it is obvious that God Himself has commanded, instituted, and ordered that the public office of preaching be preserved down through the generations in order to provide for the continued existence of the church.¹²⁴

¹²³Luther, op. cit. --LW, XL, 35. (Emphasis added.)

¹²⁴Althaus, op. cit., p. 324; Luther, op. cit. --LW, XL, 37.

According to the derivation from above, public offices in the church are considered to have been directly instituted by Christ. According to the derivation from below, ecclesiastical offices are considered to be mediated through the community in virtue of the universal priesthood.

The development of Luther's thought thus far allows for a more complete synthesis of the layman's role in the church. Every Christian, in virtue of his royal priesthood, has the right to serve his neighbor's needs at all times, and in every aspect of Christian life. This he does, during the course of his earthly life, as a member of two kingdoms at the same time. In the kingdom of God, called also the kingdom of redemption, "the Redeemer rules all regenerate believers through Christ and the gospel in personal faith and love."¹²⁵ In the kingdom of creation (or of sinful men) God maintains order through the achievement of civil justice. "The two kingdoms must always be properly distinguished, but never separated in secularism or equated in clericalism."¹²⁶ The Christian is a member of both kingdoms

¹²⁵LW, XLIV, xiii.

¹²⁶Loc. cit. (Emphasis added.)

at once, since he is simul justus et peccator, i.e., he is now totally righteous, yet he is still becoming righteous. Luther's understanding of the Christian life compelled him to combat these two unevangelical extremes, which he did in his celebrated work on the role of the layman: To the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate (1520). In the first part of this treatise, Luther rejected the medieval distinction between the clerical state and the lay state:

It is pure invention that pope, bishop, priests, and monks are called the spiritual estate while princes, lords, artisans, and farmers are called the temporal estate. This is indeed a piece of deceit and hypocrisy. Yet no one need be intimidated by it, and for this reason: all Christians are truly of the spiritual estate, and there is no difference among them except that of office. Paul says in 1 Corinthians 12 [:12-13] that we are all one body, yet every member has its own work by which it serves the others. This is because we all have one baptism, one gospel, one faith, and are all Christians alike; for baptism, gospel, and faith alone make us spiritual and a Christian people.

The pope or bishop anoints, shaves heads, ordains, consecrates, and prescribes garb different from that of the laity, but he can never make a man into a Christian or into a spiritual man by so doing. He might well make a man into a hypocrite or a humbug and blockhead, but never a Christian or

a spiritual man. As far as that goes, we are all consecrated priests through baptism, as St. Peter says in 1 Peter 2 [1:9], "You are a royal priesthood and a priestly realm."

Through canon law the Romanists have almost destroyed and made unknown the wondrous grace and authority of baptism and justification. In times gone by Christians used to choose their bishops and priests in this way from among their own number, and they were confirmed in their office by the other bishops without all the fuss that goes on nowadays. St. Augustine, Ambrose, and Cyprian each became a bishop in this way.

Since those who exercise secular authority have been baptized with the same baptism, and have the same faith and the same gospel as the rest of us, we must admit that they are priests and bishops and we must regard their office as one which has a proper and useful place in the Christian community. For whoever comes out of the water of baptism can boast that he is already a consecrated priest, bishop, and pope, although of course it is not seemly that just anybody should exercise such office. Because we are all priests of equal standing, no one must push himself forward and take it upon himself, without our consent and election, to do that for which we all have equal authority.

It follows from this argument that there is no true, basic difference between laymen and priests, princes and bishops,

between religious and secular, except for the sake of office and work, but not for the sake of status. They are all of the spiritual estate, all are truly priests, bishops, and popes. They are all of the spiritual estate, all are truly priests, bishops and popes. But they do not all have the same work to do. Just as all priests and monks do not have the same work. This is the teaching of St. Paul in Romans 12 [:4-5] and 1 Corinthians 12 [:12] and in 1 Peter 1 [:9], as I have said above, namely, that we are all one body of Christ the Head, and all members one of another. Christ does not have two different bodies, one temporal, the other spiritual. There is but one Head and one body.¹²⁷

He asserted that every Christian, therefore, has the right and duty to uphold faith, and denounce error:

Just think of it! The Romanists must admit that there are among us good Christians who have the true faith, spirit, understanding, word, and mind of Christ. Why, then, should we reject the word and understanding of good Christians and follow the pope, who has neither faith nor the Spirit? To follow the pope would be to deny the whole faith as well as the Christian church. Again, if the article, "I believe in one holy Christian church," is correct, then the pope cannot be the only one who is right. Otherwise, we would have to confess, "I believe in the pope at Rome." This would reduce the Christian church to one man, and be nothing else than a devilish and hellish error.

BOND

USA

BERKSHIRE

Besides, if we are all priests, as was said above, and all have one faith, one gospel, one sacrament, why should we not also have the power to test and judge what is right or wrong in matters of faith? What becomes of Paul's words in 1 Corinthians 1 [:15], "A spiritual man judges all things, yet he is judged by no one?" . . . Why, then, should not we perceive what is consistent with faith and what is not, just as well as an unbelieving pope does?

We ought to become bold and free on the authority of all these texts, and many others. We ought not to allow the Spirit of freedom . . . to be frightened off by the fabrications of the popes; but we ought to march boldly forward and test all that they do, or leave undone, by our believing understanding of the Scriptures. We must compel the Romanists to follow not their own interpretation but the better one. Long ago Abraham had to listen to Sarah, although she was in more complete subjection to him than we are to anyone on earth . . . Therefore, it is the duty of every Christian to espouse the cause of the faith, to understand and defend it, and to denounce every error.

When the pope acts contrary to the Scriptures, it is our duty to stand by the Scriptures, to reprove him and to constrain him, according to the word of Christ, Matthew 18 [:15-17], "If your brother sins against you, go and tell it to him, between you and him alone; if he does not listen to you, then take one or two others with you; if he does not listen to them, tell it to the church; if he does not listen to the church, consider him a heathen." Here every member is commanded to care for every other. How

much more should we do this when the member that does evil is responsible for the government of the church, and by his evil-doing is the cause of much harm and offense to the rest! But if I am to accuse him before the church, I must naturally call the church together.¹²⁸

The care of the "visible" church rests then not only with the clergy, but also with the laity. In case of necessity, should the chief shepherd of the church be found wanting in the performance of his duty, the first able man should take it upon himself to call for a free council. While it is true that church officials, properly designated, have the prime responsibility of caring for the flock, it is not true that the ordinary Christian cannot provide remedies, for the welfare of the whole body of Christ, in the absence of responsible performance of duty on the part of ecclesiastics.¹²⁹

¹²⁸Luther, op. cit. --LW, XLIV, 135, 136. (Emphasis added.)

¹²⁹"Therefore, when necessity demands it, and the pope is an offense to Christendom, the first man who is able should, as a true member of the whole body, do what he can to bring about a truly free council. No one can do this so well as the temporal authorities, especially since they are also fellow-Christians, fellow-priests, fellow-members of the spiritual estate, fellow-lords over all things. Whenever it is necessary or profitable they ought to exercise the office and work which they have received from God over everyone. Would it not be unnatural if

All of these rights and duties of lay Christians result from membership in the visible and true church on earth. The distinction must always be borne in mind that the Christian lives his authentic life in Christ in two realms, i.e., in the kingdom of grace and the kingdom of man. His apostolate, strictly speaking, flows from his participation in the universal priesthood consequent upon his incorporation into Christ by faith. From this incorporation is derived the basic equality of all Christians, the authority proper to them, the specific roles and functions of pope, councils, etc., and the internal relation of these to the whole church.¹³⁰

a fire broke out in a city and everybody were to stand by and let it burn on and on and consume everything that could burn because nobody had the authority of the mayor, or because, perhaps, the fire broke out in the mayor's house? In such a situation is it not the duty of every citizen to arouse and summon the rest? How much more should this be done in the spiritual city of Christ if a fire of offense breaks out, whether in the papal government, or anywhere else! The same argument holds if an enemy were to attack a city. The man who first roused the others deserves honor and gratitude. Why, then should he not deserve honor who makes known the presence of the enemy from hell and rouses Christian people and calls them together? . . . We shall now look at the matters which ought to be properly dealt with in councils, matters with which popes, cardinals, bishops, and all scholars ought properly to be occupied day and night if they loved Christ and his church. But if this is not the case, let ordinary people and the temporal authorities do it without regard to papal bans and fulminations, for an unjust ban is better than ten just and proper absolutions, and one unjust, improper absolution is worse than ten just bans."--Luther, op. cit.--LW, XLIV, 137-139.

¹³⁰Cf. Luther, Treatise to the Christian Nobility--LW, XLIV, 117-217, esp. 160-165, 178, 183, 188.

Conclusions

Luther's doctrine of the Christian apostolate is derived from theological conclusions on the justification process and from ecclesiology. Since a Christian's salvation is assured in the divine declaration of forgiveness consequent upon faith, he is thereby freed from any further human endeavor on his part. He is now in a position to give of himself in the total service of others, purely as a living expression of his faith.

By reason of faith and baptism, a believer is incorporated into Christ's Body, the Church, and thereby becomes perfectly identified with Christ. As a consequence, he shares the priesthood of Christ together with all believers, and is called upon to exercise that priesthood precisely in the fulfillment of Christ's Law: "Bear the burdens of one another."

(Galatians 6:2)

This is done primarily through the proclamation of the Word by the Christian, in whose custody it has been committed by right and duty. All of Christ's priestly functions are possessed in common by all Christians. However, in order to maintain conditions in the Church that would not be chaotic, the congregation designates (calls) one of their brethren to exercise

publicly the preaching of the Gospel and the administration of the Sacraments, for their sake and in their name. The minister's power and authority differ from the rest of the community only in the fact that he has been called to exercise the priesthood publicly. The difference is purely one of function, and not of status. It is not a matter of who the minister is, but rather, what he does: publicly serves the community. This is the framework on which Luther understands ecclesiastical offices. As a consequence, public ecclesiastical offices are conceived purely in terms of service to the community. The fact that a Christian is called by the community to serve it in the public administration of the Word and the Sacraments adds no sacramental dignity to the minister that was previously absent, nor does it alter his status within the community in any manner, except for the increased respect tendered him in virtue of his public role of service.

The Christian is a simultaneous member of two kingdoms: the kingdom of redemption, wherein God rules all through the grace of the gospel, and wherein, through participation in the universal priesthood of all believers, the Christian receives the divine mandate for his apostolate; the kingdom of creation, wherein

God rules all men who are unregenerate, the sons of the first Adam, through rational laws of men which have as their goal the attainment of civil justice. Since the Christian is at once righteous and a sinner, he serves this kingdom also through his works of love. Since living faith is the motivation and the exclusive impetus behind the expression, the Christian's secularist activities receive a sacral dimension. The life of service tendered in both kingdoms is ultimately rooted in faith and is demanded by God as a witness for men, not human institutions, in order to encompass the world with the Life that is the Gospel.

CHAPTER IV

THE COUNCIL OF TRENT AND A CANONICAL EVALUATION

The Council of Trent

Perhaps the best term that could be employed to describe the movement known generally as the "Counter-Reformation," with particular reference to the Council of Trent (1545-1563), is "reactionary." When the historian, as well as the theologian and canonist, are confronted with the facts that the council was postponed for a full quarter century following the awesome Diet of Worms in 1521, suffered unfortunate lapses of time between its three periods of convocation (1545-1548, 1551-1552, 1562-1563), and apparently failed to comprehend Luther's dramatic new approaches to dogmatic theology, especially with regard to justification, scripture and tradition, and ecclesiology (upon which the entire evangelical understanding of the role of the laity is founded), the general

conclusion that Trent represented a complete, although genuine triumph for Catholic Christianity is, perhaps, somewhat tempered.¹

Much speculation has been advanced, even to the present day, as to the final effect that Pope Adrian VI (1522-1523), the last of the non-Italian popes, would have had in addressing the Church to the Reformation, had he but lived. Jedin implicitly suggests that such speculation might be over-optimistic, since Adrian always had concurred in the judgment of Louvain University that the theology of Luther was untenable.² While publicly and humbly acknowledging that the Church stood in need of drastic reform, beginning with the papacy and the Roman curia,³ which acknowledgment was without precedent

¹For the historical analysis of the Council of Trent, the following sources have been utilized to a great extent: Hubert Jedin, A History of the Council of Trent, trans. Ernest Graf (2 vols., incomplete; Edinburgh: Thomas Nelson and Sons, 1957--), Vol. I: The Struggle for the Council, Vol. II: The First Sessions at Trent. (Hereafter cited as HCT.) John P. Dolan, History of the Reformation, A Conciliatory Assessment of Opposite Views (New York: The New American Library, Inc., 1967); Owen Chadwick, The Reformation, III--The Pelican History of the Church (6 vols.; Middlesex: Penguin Books Ltd., 1964); B. J. Kidd, The Counter-Reformation (London: Society for Promoting Christian Knowledge, 1933).

²HCT, I, 205, 206. Cf. supra, p. 70, n. 47.

³The celebrated letter, drawn up in substance (at least) by Adrian himself, and read by the nuncio Francesco

and never repeated in subsequent history, Adrian nevertheless failed to move directly in the summoning of a council, even though he had stated before while at Louvain that only a council could bring peace and achieve renewal.⁴ The Catholic Estates had demanded at Nuremberg that a free Christian council be held in German lands, a demand that Adrian never met. While this request from the Germans appears innocuous enough, it should be recalled that such a notion carried with it ominous taints of Lutheranism, as well as the great fear, as far as Rome was concerned, that the dangerous theories of conciliarism would again rise to challenge the primacy of the Holy See, as had been the actual fact at the Councils of Constance and Basel.

Accordingly, John Eck dissuaded Adrian from convoking a general council, the papal nuncio Jerome Aleander prevailed upon Clement

Chieregato to the Diet of Nuremberg on January 3, 1523, stated in part: "We know very well that even in the Holy See there have over the past years occurred many scandals, abuses in spiritual matters, and violations of the commandments that have become an open scandal to all. Hence it is not surprising that this sickness has been transplanted from the head to the members."--Chieregato's Instructions--Documents Illustrative of the Continental Reformation, ed. B. J. Kidd (Oxford: Clarendon Press, 1911), p. 109. Cf. Dolan, op. cit., p. 315; HCT, I, 210f.

⁴HCT, I, 207f. "Nam (si non excidit tibi) simulatque Lovanii sacrae paginae doctoratu fuerat insignitus, suis ad populum concionibus creberrime affirmabat, neque rebus humanis pacem

VII (1523-1534) to the same effect, and the papal legate Marcello Cervini (later Marcellus II, 1555) similarly advised Paul III.⁵

In addition to the constant political machinations, it would perhaps be most clearly accurate to suggest, as Jedin does, that an extreme papal fear of conciliarism, as represented in both Catholic tradition and the more recent thought of Luther, was the main and ultimately compelling reason for the tragic postponement of the Council of Trent.⁶

neque pro vectum ecclesiae unquam dari posse, nisi publica sacratissime synodi edictione provideretur."--Concilium Tridentinum, Diariorum, Actorum, Epistularum, Tractatum, ed. Societas Goerresiana (13 vols. in 14, incomplete; Freiburg: Herder, 1901--), XII, xlvii. (Hereafter cited as CT.)

⁵HCT, I, 213, 224, 524; Chadwick, op. cit., p. 273. Eck added that if a general council were truly free, the Church would be at a disadvantage since the laity would then be able to participate (immiscere). --HCT, I, 213, n. 2. Aleander's statement to Clement ran thus: "Never offer a council, never refuse it directly; on the contrary, show a readiness to comply with the request but at the same time stress the difficulties that stand in the way; by this means you will be able to ward it off." Cervini, one of the papal legates at the first convocation of the council who later occupied the throne of Peter for a brief period of three weeks in April, 1555 (in whose memory Palestrina dedicated perhaps the finest example of classical polyphony in the musical heritage of the Church: the Missa Papae Marcelli) advised Paul III: "Beware of the selfish and unlimited schemes of the Emperor in general, and of his intentions with regard to the Council in particular! Do not on any account commit yourself to anything until it is agreed that the Pope is absolute master of the Council!"--Secret letter of June 20, 1545--CT, X, 123.

⁶" 'A free Christian council in German lands!' Such was the formula--repeated time and again--in which the German

It would appear inaccurate to suggest that during the time between the issuance of the bull which excommunicated Luther (Leo X, Exsurge Domine, June 15, 1520) and the first convocation of the Council of Trent, there was not within the Catholic Church a movement genuinely concerned with renewal within the context of an impartial study and evaluation of the thought of Luther.

Those in this movement can be designated, in general, as moderates, as indeed they sought a reconciliation between the curialists who were intent upon upholding papal supremacy at any cost, and the Lutherans who were more intent than ever on rejecting the domination of the pope in any attempt at reform.

demand for a Council was presented to the Pope. It sounds unobjectionable enough, but its true significance and the pretensions it implied are only brought to light by a study of its historical background. In the memorial of the so-called 'small committee,' the authors, the jurists Schwarzenberg, Zoch and Rotenhan--all of them men of Lutheran sympathies--make it perfectly plain that for them 'free' is equivalent to 'independent of the Pope.' The idea is that all the members of the Council must be freed from all obligations to the Pope so that they might speak without hindrance. For the authors of the memorial the Council is not just a gathering of Catholic bishops under the presidency of the Pope, the laity are also entitled to a place and a vote in it. It must be convoked by the Pope, 'with the Emperor's approval,' so that 'both Christian heads' may be regarded as convening it. It must meet in a German town. Yet in view of the ferment among the masses it would be utterly unable to maintain its freedom and independence if it ventured to proceed against Luther. The fact of the matter was that the intention of the authors of the memorial was to tie the Pope's hands from the moment of convocation, to eliminate his influence from the Council itself, and to paralyze that of the clergy by the participation of the laity."--HCT, I, 211, 212. Cf. Dolan, op. cit., p. 315f.

One important contributor to the cause of the moderates was the Dutch humanist and theologian, Erasmus of Rotterdam (1466?-1536). He suggested that the Church would be in better condition, and in line toward reconciliation with the dissident elements, if it relied only on those matters which were expressly recorded in Sacred Scripture, or which of themselves constituted the essentials for salvation.⁷ He also viewed the dominant authority of the pope, at least as it was then being exercised, as

⁷"Prodiit Novum Testamentum rursum a me non credendis vigiliis novatum, neque mediocri locupletatum accessione. Praefixum est epistolum Leonis decimi, quo et veterem aeditionem approbat et ad hanc novam invitat. Pragae quod mihi negotii possit esse non video. Nam quod polliceris non defore qui me tuto quo voluero deducant, mihi non placent regiones in quibus huiusmodi deductoribus sit opus. Hic vel soli liberum est ire quò velim. Neque vero dubito quin isthic reperturus sim, uti scribis, complures doctrina pietateque spectatos, quos schismaticorum vitia non inquinant. At demiror non existere qui totum hoc dissidium tollant. Praestat iniquioribus conditionibus habere concordiam quam aequis dissidium. Vereor equidem ne pecuniae studium, ubique bonorum morum pestis, non sinat coire concordiam. Paulus nullum damnum recusat quo Christum lucrifaciat. Tot sunt in orbe cardinales, tot episcopi, tot principes; utinam Christus afflet aliquem horum ad hoc negotium spiritu vere Christiano capessendum! Paulus si Rome praesideret, sat scio, non modo pateretur aliquid decidi fructibus suis verumetiam auctoritati nonnihil derogari pateretur, modo hoc praecio concordiam emere liceret."--Letter of Erasmus to John Slechta, April 23, 1519--Opus Epistolarum Des. Erasmi Roterodami, recognitum et auctum P. S. Allen and H. M. Allen (12 vols.; Oxonii: In Typographeo Clarendoniano, 1906-1958), III, 552, 553. (Hereafter cited as OE.)

providing a disservice to the Church.⁸ In a letter of congratulation to Paul III on the occasion of his election to the papacy, Erasmus suggested that the true unity of the Church would not be impaired by confronting the Lutherans in an open and frank manner, in order that theological opinion which reflected different viewpoints could be advanced in freedom.⁹ Perhaps the most important source of the reform program advocated by Erasmus was the book he wrote on restoring peace to the Church, entitled De sarcienda ecclesiae concordia, which was published at Freiburg im Breisgau in 1533.¹⁰ In this work, he deplored the use of polemic, and suggested a theological position on justification which, viewed

8"Video τὴν τοῦ Ῥωμάνου Ἀρχιερέως (ut nunc
est ea sedes) μοναρχίαν pestem esse Christian-
ismi; cui per omnia adulantur Praedicatores facie prorsus perfricta."
--Letter of Erasmus to John Lang, October 17, 1518--OE, III, 409f.

9"By far the greater part of Germany is still intact. If the Pope will only rise above the warring parties and meet the Lutherans' wishes by allowing them certain liturgical practices which can be tolerated without injury to the unity of the Church and grant them an amnesty for the past, then an accord remains within the realm of possibility. The only duty of the future Council will be to define certain dogmas. As for the opinions of the schools, the theologians should be allowed to discuss them freely."--HCT, I, 360. Cf. OE, XI, 61ff.

10For the complete text of De sarcienda (amabili) ecclesiae concordia, see Desiderius Erasmus, Opera omnia, emendatiora et auctiora . . . doctorumque virorum notis illustrata, recognovit Joannes Clericus (10 vols.; Hildesheim: Georg Olms Verlagsbuchhandlung, 1961-1962), V, 470-506.

from the vantage point of the present day, seems to be acceptable to both Catholics and Lutherans. In general, Erasmus appears to have presented a balanced approach to the disciplinary problems of his day, liturgical as well as sacramental.

Among those influenced by Erasmus was George Witzel, a priest who had joined Luther's movement, and later returned to the Catholic Church. In 1537 he published a work entitled Methodus concordiae ecclesiasticae in which he urged reconciliation based upon the practices of Christian antiquity.¹¹ In 1539 he collaborated with Martin Bucer (1491-1551), a Protestant advocate of reunion, in the drawing up of a formula which dealt with the justification problem. The reforms that they advocated in that formula were based on the Apology of Justin, and suggested a return to primitive Christian liturgy, since Witzel considered the schism to be the result mainly of abuses connected with the celebration of the Mass.¹²

Perhaps the most significant contribution among all the moderates was made by John Gropper (1501-1559), the cathedral-schoolmaster of Cologne, and a jurist by profession. He published

¹¹HCT, I, 361.

¹²Dolan, op. cit., pp. 327-336. Cf. HCT, I, 361-363.

in 1538 his work Enchiridion Christianae Institutionis, in which he presented a concept of the doctrine of justification which was acceptable to both Lutheran and Catholic representatives.¹³ He emphasized that justification is not only the remission of sins, but also an inner renewal through the operation of the Holy Spirit. However, he parted company with the scholastics in that he asserted that the inner renewal was not the result of justification, but was conjoined with it, and was the work of the righteousness of Christ. He taught that the means by which a man is justified is faith. A first faith, called historica, moves us to believe that God exists and has acted in human history. This prepares the way for a fiducial faith, which includes within its scope the trust and confidence that love indeed is present. The recognition of that confidence manifests itself through works. Gropper seems to have been expressing a non-scholastic formulation of Luther's faith working through love in opposition to the schoolmen's formula of faith formed by love (fides caritate formata). There were also elements in Gropper's formula which reconciled the present and the eschatological

¹³Cf. Walter Lipgens, Kardinal Johannes Gropper und die Anfänge der Katholischen Reform in Deutschland (Münster Westfalen: Aschendorffsche Verlagsbuchhandlung, 1951); HCT, I, 368; Dolan, op. cit., pp. 337-343.

dimensions of faith (simul justus et peccator). In speaking of the power of the keys, he emphasized that that power consists in the divine commission to preach the Word of God. He did not deny the authority of the pope, but claimed that the papal authority was more for the purpose of demonstrating and preserving unity, rather than for direct rule. Gropper's position on the justification process was incorporated into Article 5 of the Book of Ratisbon, a new formula which consisted of 23 articles aimed at reunion. These articles were the result of the series of talks that were held in April and May of 1541 between the Catholics and the Lutherans. The talks are designated in history as the Colloquy of Ratisbon. The Catholics were represented by such notables as Gasparo Contarini, the papal legate in charge, and who was clearly identified with the moderates, since he had personal leanings toward the Lutheran position on justification.¹⁴ Also present were Gropper, John Eck, Julius Pflug, the dean of the cathedral of Meissen who leaned towards conciliarism and the thoughts of Erasmus, and Nicolas Granvella, the minister of Charles V and also a disciple of the Dutch humanist.

¹⁴Jedin reports the inner conflicts and doubts which plagued young Contarini in 1511, and which he resolved through trust in Christ. Luther theologized what the papal legate had experienced in his own spiritual life. --HCT, I, 167.

The Lutheran representatives numbered among them Bucer and Philipp Melanchthon (1497-1560), the author of the Augsburg Confession that was delivered to Charles V at the Diet of 1530. With the exception of Eck, all of the Catholics were members of the reform party. Indeed, in 1536, at the request of Paul III, Contarini was a member of a special commission of cardinals which included Reginald Pole, Jacopo Sadoletto, and Gianpietro Carafa, later Paul IV. They were given the task of producing a program for reform, and as a result of their deliberations, presented the celebrated Consilium de Emendanda Ecclesia to the pope in

March, 1537.¹⁵ Although there is no mention in the Consilium of doctrine or the laity, it did propose sweeping reforms of the Roman Curia, and assessed the troubles of the Church to be the result of an exaggerated theory of papal authority. The publication of the Consilium in 1538 publicly embarrassed the curialists, with the consequence that the reform which Contarini had so ardently sought was undermined.¹⁶ The first four articles of the Book of Ratisbon, which dealt with creation and original sin,

¹⁵Complete text in CT, XII, 131-145.

¹⁶HCT, I, 423-432. Luther referred directly to the Consilium in expressing his disappointment at its rejection by the curialists. He also expressed grave doubts that Rome would (or even should) convoke a reform council. Cf. supra, p. 54, n. 20; p. 57, n. 24.

proved to be an area of no serious dispute. The fifth article, on justification (the position of Gropper), was finally accepted as agreeable to both parties, though not without some misgivings on the part of Eck. However, the Roman cardinals rejected the Ratisbon formula of justification, calling it equivocal, probably inasmuch as it remained silent on the notion of merit. Contarini was regarded as a heretic in Italy, became a broken man as a result of his failure, and died in 1542. His orthodoxy was upheld thirty years later in 1571 by the doctors of the Sorbonne, who declared that Contarini's teaching on justification was truly Catholic.¹⁷

The failure of Ratisbon opened the door for the conservative and reactionary element to dominate and control the Council of Trent.¹⁸ Jedin has concluded that in the final analysis, a somewhat confused state of theological development at the time, and the failure of the Church to examine adequately the teaching of Luther in order to determine whether or not his theology could be sustained, left no other option for the tone and direction of the Council.¹⁹

The Council of Trent finally opened on December 13,

¹⁷HCT, I, 383.

¹⁸"Only the failure of the Ratisbon attempt at reunion could justify the drawing of the Tridentine line of demarcation."--HCT, I, 391.

¹⁹HCT, I, 392, 393.

1545, with only twenty-eight bishops present. The voting question was among the first of the difficulties encountered, the question being whether or not the generals of the orders and the abbots were to have the same voting rights as the bishops. Jedin reports that although no formal resolution had been passed, the general congregation of December 29 proceeded on the understanding that the generals were entitled to a decisive vote, and eventually, a compromise was worked out which granted the abbots a collective vote.²⁰ The point on voting procedures was important for the reason that it demonstrated the resolution of Rome "to prevent an extension of the right to vote on the model of the reform Councils of the fifteenth century."²¹ Another concern of some of the Fathers at the opening of the council was manifested at the general congregation of January 4, 1546. In deciding what the title of the assembly should be, the reform party wished to add the words universalem ecclesiam repraesentans to the title Sacrosancta Tridentina Synodus, in Spiritu sancto legitime congregata, in ea presidentibus tribus apostolicae sedis legatis.²² The papal legate del Monte, later to become Julius III (1550-1555), resisted this suggestion, however, claiming that the addition would offend the Protestants and was unnec-

²⁰HCT, II, 19.

²¹Loc. cit.

²²CT, IV, 542f. Cf. HCT, II, 22, 23; Kidd, op. cit., p. 56.

essary. The real reason was that such an addition brought back fears of the conciliarism that had marked the Councils of Constance and Basel.²³ Indeed, the phrase stood at the head of the decree Haec sancta, in which the Council of Constance decreed that its authority was derived immediately from Christ in such a way that even the pope was bound to obey the decisions on the council.²⁴

At the general congregation of January 22, 1546, the Fathers of the Council decided to discuss dogmatic and reform issues in a parallel fashion. The first dogmatic issue of importance to be taken up was the problem of Scripture and Tradition. At the general congregation of February 8, 1546, it was decided to establish, by means of particular congregations, and then in weekly general congregations, which of the Sacred Scriptures were part of the canon, and which were not.²⁵ The debate was whether or not to accept simpliciter the decree of the Council of Florence of February 4, 1441, which had circumscribed the limits of canonicity, or should recent arguments against the canonicity of certain books of Scripture be examined and refuted by the

²³CT, IV, 565. Jedin observes that "in spite of the small attendance at the moment, the present Council represented the universal Church no less than the Councils of Constance and Basel."--HCT, II, 23. Cf. Kidd, op. cit., p. 57.

²⁴Supra, pp. 55-57, esp. n. 23.

²⁵CT, V, 3; HCT, II, 53.

present council.²⁶ The Council Fathers divided on the question. Del Monte, in upholding a strict canonical approach, insisted that since the canon had been expressed as to its extent within a conciliar formula, it must therefore be accepted without any further discussion. Other Fathers felt that the expected attacks from the Protestants should be met in advance by issuing their own decree and defense of it. The position of del Monte was upheld in a vote taken at the general congregation of February 15, 1546, and the council committed itself to the wider canon determined by the Council of Florence. However, the Fathers did not enter into

²⁶"Unum atque eundem Deum Veteris et Novi Testamenti, hoc est, Legis et Prophetarum atque Evangelii profitetur auctorem: quoniam eodem Spiritu Sancto inspirante utriusque Testamenti Sancti locuti sunt: quorum libros suscipit et veneratur, qui titulis sequentibus continentur: -Quinque Moysi id est Genesi, Exodo, Levitico, Numeris, Deuteronomio; Iosue, Iudicum, Ruth, Quatuor Regum, Duobus Paralipomenon, Esdra, Neemia, Tobia, Iudith, Hester, Job, Psalmis David, Parabolis, Ecclesiaste, Canticis Canticorum, Sapientia, Ecclesiastico, Isaya, Ieremia, Baruch, Ezechiele, Daniele, Duodecim Prophetis Minoribus id est Osee, Iohele, Amos, Abdia, Iona, Michea, Naum, Abachuc, Sophonia, Ageo, Zacharia, Malachia; Duobus Machabaeorum, Quatuor Evangeliiis, Mathaei, Marci, Lucae, Iohannis; Quatuordecim Epistolis Pauli, Ad Romanos, Duabus ad Corinthios, Ad Galatas, Ad Ephesios, Ad Philipenses, Duabus ad Thesalonicenses, Ad Colocenses, Duabus ad Timotheum, Ad Titum, Ad Philemonem, Ad Hebraeos; Petri duabus; Tribus Iohannis; Una Iacobi; Una Iudae; Actibus Apostolorum et Apocalypsi Iohannis."--Decretum pro Iacobitis, Feb. 4, 1441--Denz., 1334, 1335. Jedin points out that the matter of canonicity, i.e., inspiration, was not only disputed between Catholics and Lutherans, but also among Catholic theologians. For example, Jerome considered Judith, Esther, Tobias, Machabees, Wisdom and Ecclesiasticus as apocryphal and not canonical, although they were edifying for the faithful. Erasmus and even Cardinal Cajetan followed Jerome. Jedin suggests that

theological discussions on the question of differences within the books of the canon, and the matter was left open.²⁷

The real heart of the problematic rested upon the question of the place of tradition with regard to the authority of the Scriptures. While the Lutheran assertion sola scriptura appears to deny tradition as a source of revelation, it seems clear that Luther accepted the creeds of the ancient church, and for that matter, the statements of many councils, provided that those creeds and conciliar enactments were conformed to the Word of God in scripture. Perhaps Jedin might have oversimplified the problem himself in asserting that "the decisive point was whether the Church--not a conceptual and invisible Church, but the Church as a concrete reality, in which he lived--was or was not guided by the Holy Spirit. Luther answered this question in the negative and by so doing deprived himself of the possibility of a genuine dogmatic tradition, for tradition without a bearer is unthinkable."²⁸ Apart from the

they confused "authenticity with canonicity."--HCT, II, 56. Luther is generally accused of determining for himself which books are inspired, which are not. Perhaps it would be more accurate to suggest that Luther tended to stress the element of importance with regard to certain books in direct relation to their usefulness in aiding the development of his own position on justification. This possibility might then leave the question of inspiration purely academic. Cf. LW, XXXV, 361, 362, 395-397.

²⁷HCT, II, 57.

²⁸HCT, II, 58.

apparent fact that Luther made no such denial,²⁹ it seems to be the case that no developed ecclesiology in the theological sense was in existence at the time of the Council of Trent. The nature of the Church had been expressed within the context of a juridical framework, and if for no other reason, made the resolution of the tradition problematic practically impossible from the viewpoint of the Lutherans. Indeed, the Council Fathers themselves were not in agreement as to what they understood by the term "tradition." The particular congregation of February 18 spoke of the "Apostolic Tradition."³⁰ It soon became apparent, however, that the notion of tradition meant different things to the respective

²⁹Supra, Chapter III, Art. 2, pp. 94-113. Luther never asserted that the Roman Church could not be identified with the true empirical Church over which the Holy Spirit reigns. Cf. Luther, The Babylonian Captivity of the Church--LW, XXXVI, 108; Concerning Rebaptism--LW, XL, 231, 232. On the other hand, because of the human dimension, the Roman Church could (and in Luther's opinion, did) lack conformity with the only norm he would accept in order to make the judgment: Sacred Scripture. Jedin's point appears to be ambiguous. He also seems to identify the "Church" in this case with the pope and the small number of bishops at the council, which was exactly Luther's objection to the Council.

³⁰"Repetita mentione facta in ultima congregatione particulari de illis duobus articulis, qui sequuntur et quasi comitantur scripturam ipsam sacram, hoc est de traditione apostolica et de abusibus, qui circa scripturam occurrunt, proponatur Dominis, ut si praemeditati advenerint, dicant sententias suas, videlicet de utro illorum articulorum videatur prius tractandum."--thus Massarelli, Diarium III, CT, I, 483.

Fathers and theologians. As Jedin indicates, "the frontiers between dogmatic and disciplinary, apostolic and ecclesiastical traditions were not sharply drawn."³¹

In the particular congregation of February 23, the Bishop of Pienza spoke of the possibility of including ceremonies in the concept of tradition. Jedin reports that another assertion was made to the effect that "besides these holy books many more things must be received that are not set down in writing but which are observed in virtue of the Church's authority."³² The Jesuit Lejay presented the council with a distinction between dogmatic traditions, "those which pertain to faith," and the others. Several bishops at the same time expressed the desire that at least some of the apostolic traditions be listed, a desire that was immediately rejected by the jurist Campeggio and Cervini. They insisted that the question at stake was the principle

³¹HCT, II, 63.

³²"Alfonsus de Castro assensit opinioni caeterorum patrum; videri tamen sibi haec formalia verba in decreto quoad traditiones ponenda esse, videlicet: Praeter hos sacros libros multa alia sunt tenenda, quae scripta non sunt, sed observantur ecclesiae auctoritate."--thus Massarelli, Diarium III, CT, I, 491; HCT, II, 62.

of tradition. Therefore it was first of all necessary to define it.³³ Actually, only a handful of bishops was sympathetic to the problem as it had been raised by Luther. At the general congregation of February 26, Giacomo Nacchianti, the Bishop of Chioggia, publicly questioned the principle of tradition in the sense generally understood, i.e., as a general, rather ill-defined mixture of dogmatic, disciplinary, apostolic and ecclesiastical traditions, in the plural. He asked if not all the doctrines necessary for salvation were to be found in the Scriptures, and warned against putting these "traditions" on the same level of authority as Sacred Scripture.³⁴ As a result of the congregation of February 26, a

³³"A traditionibus; sed cum illae sint diversae auctoritatis in ecclesia, diverso modo recipiendae sunt. Nam illae, quae ad fidem pertinent, eadem sunt recipiendae auctoritate qua recipitur evangelium, aliae autem non ita, cum earum plurimae immutatae fuerint, ut de bigamis, de esu sanguinis et similia."--CT, V, 13. Cf. also CT, I, 494; HCT, II, 62.

³⁴"Nemo enim ignorat, contineri in sacris libris omnia ea, quae ad salutem pertinent; nisi forte nunc agere velimus de receptione traditionum, uti factum est de receptione sacrorum librorum, qui sub nomine auctoritatis concilii Florentini recepti sunt. . . quod vero ecclesiasticae traditiones etiam recipiantur et earum mentio aliqua in decreto fiat, nullo modo probare possum, cum tot indictiones ieiuniorum, tot ceremoniae, quae plerumque frustratoriae sunt, nimis Christianum populum gravant."--CT, V, 18, 19. Even prior to the council, Nacchianti was looked upon with scepticism, since he had asserted that one must give more credence to Sacred Scripture than to the Church: "Non potreste

commission was drawn up to draft a decree on Scripture and Tradition which was presented to the particular congregation of March 23. It stated that "the glad tidings of Jesus Christ promised in the Old Testament are contained partly in the Sacred Scriptures, and partly in the unwritten traditions which the Apostles received from Christ's own lips or which, under the inspiration of the Holy Spirit, were by them, as it were, passed down to us from hand to hand. Following the example of the Fathers, the Council receives with the utmost reverence as holy and authentic all the books of the Old and New Testaments, since the one God is the author of both, as well as the traditions which proceeded either from Christ's own mouth or from the Holy Spirit and have been preserved in the Catholic Church by an unbroken succession of the ministry, and to which is due the same loving adhesion as to the Holy Scriptures." The council went on to state that these two sources of revelation would

vo' credere quanto me è reuscito male il vescovo de Chioza [Giacomo Nacchianti] fratre già della Minerva; lo ha un cervello secco et ha certe sue fantasie et opinione che sonno periculosissime et convengono con li heretici, et a questi giorni, facendo un banchetto il Senor Don Diego a molti homini docti venuti de Spagna noviter, et parlandose de cose de theologia, volse substinere per vera questa conclusione, che magis credendum erat sacrae scripturae quam ecclesiae, conclusione, quale è principio de tutte heresie Lutherane."--CT, X, 173; HCT, II, 64.

be the basis for dogmatic definitions and for the reform of morals.³⁵ The first important line of demarcation had been drawn. For although some of the Fathers objected to the use of partim--partim, it was not because they rejected the principle of tradition, a point that already had been expressed by the Bishop of Chioggia. Rather, they felt that the "stream of New Testament revelation does not divide into Scripture and Tradition . . . Scripture is complete as to its content and contains all truths necessary for salvation; tradition is essentially an authoritative interpretation of Holy Writ, not its complement."³⁶ Jedin concludes that "there can be no doubt that though the majority of the theologians of Trent may not have approved the formula partim--partim, they approved the thing itself, that is, the statement that dogmatic tradition was a channel of revelation which supplemented the Scriptures."³⁷ Some attacked the idea of the parity of tradition with scripture. At the general congregation of March 27, Pietro Bertano, the Bishop of Fano, pointed

³⁵CT, V, 31; HCT, II, 73, 74.

³⁶HCT, II, 74, 75.

³⁷HCT, II, 75.

out in a rather sharp manner that there were some apostolic traditions that the Church had abolished, or which had fallen into desuetude, such as communion under both kinds, facing east at prayer, and so forth. The Church herself had done away with them. How therefore, could they be put on the same level with holy scripture?³⁸ The Bishop of Chioggia remarked: "To put Scripture and Tradition on the same level is ungodly. Yes, I repeat it! How can I accept the practice of praying eastward with the same reverence as St. John's gospel?"³⁹

The final decree on Scripture and Tradition was approved on April 7, 1546, with the substitution of et--et for partim--partim, a change made to placate all those who had objected. A theological definition and analysis of tradition were never arrived at, and the main problem of the parity of scripture and tradition remained unsolved. The viewpoint that had been sustained in pre-Reformation canonical tradition had been upheld also by the Council of Trent. A division line with

³⁸CT, V, 39, 40.

³⁹"Clodiensis confirmavit quod dixerat, sed defendere se conatus est declarans, quod sit pium et quod impium, videl. quod defertur tantum evangelio quam traditionibus, de quibus praesertim non sumus certi, explicans de oratione ad orientem, quod sit impium, deberi par pietas."--CT, V, 71. Cf. HCT, II, 86f.

regard to Luther had also been drawn. The theological approach of the Reformer had been based on a different conception of the central role of the Bible within the life of the Church.⁴⁰

The Council of Trent completed its antithetical reaction with regard to Luther precisely within the area of justification. The Reformer had produced not only a new formula of justification, but also an entirely new approach. This new approach rejected the terminology and method of the scholastic theologians, and was grounded solely in scripture within the context of a personalistic and existential spirituality. Because his teaching was so closely

⁴⁰"Sacrosancta oecumenica et generalis Tridentina Synodus, in Spiritu Sancto legitime congregata, . . . hoc sibi perpetuo ante oculos proponens, ut sublatis erroribus puritas ipsa Evangelii in Ecclesia conservetur, quod promissum ante per Prophetas in Scripturis sanctis Dominus noster Iesus Christus Dei Filius proprio ore primum promulgavit, deinde per suos Apostolos tamquam fontem omnis et salutaris veritatis et morum disciplinae 'omni creaturae praedicari' iussit; perspiciensque, hanc veritatem et disciplinam contineri in libris scriptis et sine scripto traditionibus, quae ab ipsius Christi ore ab Apostolis acceptae, aut ab ipsis Apostolis Spiritu Sancto dictante quasi per manus traditae ad nos usque pervenerunt, orthodoxorum Patrum exempla secuta, omnes libros tam Veteris quam Novi Testamenti, cum utriusque unus Deus sit auctor, nec non traditiones ipsas, tum ad fidem, tum ad mores pertinentes, tamquam vel ore tenus a Christo, vel a Spiritu Sancto dictatas et continua successione in Ecclesia catholica conservatas, pari pietatis affectu ac reverentia suscipit et veneratur. Sacrorum vero librorum indicem huic decreto adscribendum censuit, ne cui dubitatio

intertwined with his own concrete existence, Luther felt that he could not modify his position without at the same time destroying himself as a person. He constructed his entire theology on justification, and his criticism of the Catholic Church, and challenge to her traditional constitution, were conceived within the framework of how man is made righteous in the sight of God. Perhaps this accounts for his absolute refusal to compromise in the slightest way on this question: "For if we lose the doctrine of justification, we lose simply everything. Hence, the most necessary and important thing is that we teach and repeat this doctrine daily, as Moses says about his Law."⁴¹

The Council Fathers assigned the same degree of importance to the matter of justification. In a report to Rome on June 21, the leaders of the council wrote: "The significance of this Council in the theological sphere lies chiefly in the article on justification, in fact this is the most important item the Council has to deal with."⁴² However, it seems to be apparent

suboriri possit, quoniam sint, qui ab ipso Synodo suscipiuntur."--
Sessio IV, April 8, 1546, Decretum de libris sacris et de traditionibus recipiendis--Denz., 1501. Cf. supra, pp. 34-36; 67-71; HCT, II, 86f. For a contemporary discussion on the nature and meaning of Tradition, see Josef Rupert Geiselmann, The Meaning of Tradition (New York: Herder and Herder, 1966).

⁴¹Luther, Lectures on Galatians (1535)--LW, XXVI, 26.

⁴²HCT, II, 171.

that a large portion of the Council Fathers were also as biased as Luther, only in the direction of preserving traditional approaches. Cardinal Pole admonished them at the general congregation of June 21 that they "should read with an unbiased mind the books of the Lutherans and refrain from taking up an attitude which amounted to saying: 'Luther has said it, hence it is false'." ⁴³

Theologians were again called in and asked for their opinions on such questions as: 1) What is meant by justification as regards the name and the thing? 2) What are the causes of justification? 3) How should we understand the assertion that man is saved by faith? 4) How do works play a role in the justification process? 5) Can we describe the entire process of justification? 6) What proofs from Scripture, the Fathers, the Councils and apostolic traditions will support the Catholic doctrine? ⁴⁴ In general, the theologians agreed that justification is not merely the forgiveness of sins, but also produces something positive in man by which he is made pleasing to God. In some way, man must cooperate with the grace of God, i.e., he must take a share in

⁴³"Illud autem velim a patribus observari, ut libros omnes, etiam adversariorum, non ut adversariorum, sed ut cuiuslibet alterius, legant, et nolint protinus dicere: id Luterus dixit, ergo falsum est. . ."-CT, I, 82; HCT, II, 172f.

⁴⁴HCT, II, 176.

the act of justification. Jedin reports that only four theologians held as their opinion that the relation of the human will to grace was a purely passive one: Gregory of Padua, Aurelius of Rocca Contracta, Gregory of Siena and Lorenzo Mazochi. In addition, the Dominican John of Udine, regent of the convent of San Lorenzo at Trent, also sustained the idea that a man is fully justified if he firmly believes that his sins will be forgiven on account of the merits of Christ.⁴⁵ On July 8, Bertano, the Bishop of Fano, submitted a theological position to the Fathers that exhibited, according to Jedin, a deep awareness of the doctrinal differences on justification which existed between traditional Catholicism and the Lutherans.⁴⁶

⁴⁵HCT, II, 177.

⁴⁶"There is a threefold justice, namely the justice of God who promised to send us his Son for the forgiveness of sin; the justice of Christ, that is, the merits of his Passion and death, which must be appropriated by us and so become our own (iustitia inhaerens); finally the justice of good works by which we prove ourselves to be just. The first justice does not justify; only the second does so because it effects the remission of sins and fits us for the justice of good works. How do we become partakers of that justice? The answer is, by means of an active, dynamic faith (per fidem), not by a purely static one (ex fide). We are not justified by any kind of faith; devils and sinners believe the facts by which salvation was wrought by Christ as so many historical events, and as for wonder-working faith, St. Paul declares that without charity it is nothing, even if it move mountains. Only the faith of the gospel, that is, faith united to hope and

The problem at Trent, seen from the vantage point of time, appears to have been manifested in the attempt to encapsulate "faith" into a scholastic framework. Faith, for the Tridentine mind, signified assent to revealed truth.⁴⁷ The faith concept of Luther included, in addition to assent to revelation, such dynamic elements as trust, confidence, hope, and especially love. The general of the Augustinians, Girolamo Cardinal Seripando, perhaps sensed that the council and Luther were speaking different languages in trying to express a belief which was held in fundamental agreement. He stated that the future decree on justification must dispense with scholastic terminology and speak a language that

charity, justifies. By such a faith alone is man joined to Christ, the second Adam, and enabled to perform good works, that is, works meritorious in the sight of God, without which, according to St. James (II, 26) faith is dead. Ethically good works performed previous to faith are not sins, but they have no bearing on justification. Faith freely bestowed by God is actively accepted by man, hence he does not remain purely passive in the process of justification. St. Augustine says: 'He who made thee without thee will not save thee without thee,' and St. Thomas declares that 'when we are justified, we assent to God's justice.' The difference between the Catholic and the Lutheran doctrine of justification appears on three heads, Bertano declares: the sola fide formula is too narrow because it excludes hope and charity; faith does not contain personal justification; good works are not merely tokens of justification, they are an essential element of it."--HCT, II, 185. Cf. CT, I, 88.

⁴⁷HCT, II, 177.

laymen can understand, if it is to become a rule of life and belief. Furthermore, the decree must be relevant to actual religious experience.⁴⁸ Seripando, however, employed scholastic terminology himself in presenting a view which held that the remission of sin is wrought on the basis of the acts of faith and trust. Love is God's gift to the reconciled. When the objection was raised that his thought implied acceptance of the sola fide doctrine, Seripando countered by stating that the remission of sin and inner sanctification are only logically separate, not chronologically, and that as a psychological process they are simultaneous.⁴⁹ Giulio Contarini, the nephew of Gasparro, favored a position which held that all human activity before justification has no merit-value, and that therefore, the "disposition" is the work of God alone. When the

⁴⁸CT, XII, 613-636; HCT, II, 187.

⁴⁹"Four factors are simultaneously at work in the conversion of an adult unbeliever, 1) the grace of God freely accepted by man without any previous preparation due to his unaided natural powers; 2) repentance, in cooperation with grace; 3) God's justice; 4) the appropriation through faith of that justice. The interaction of these four factors is as follows: Out of pure goodness God bestows on the sinner a grace by which he calls the offender back to himself (gratia praeveniens, operans). The sinner is only able to respond to this call if it is accompanied by a second grace, one that heals the will and sets it free to do what is right (adiutorium). This grace enables him to accept the grace of the call; he takes cognisance of his condition, repents and turns away from sin. At

sinner assents to God's invitation (disposition), his sins are forgiven and he receives the gift of faith allied to charity. He is then a justified man, and participates in the merits of Christ independently of the works of the law. Good works are the necessary fruits of faith. If they are absent, then so is faith. Works, however, do not imply human merit.⁵⁰

The first draft of the decree on justification was presented on July 23. It asserted the gratuity of justification in virtue of Christ's merits, but denied any notion of imputation. The decree upheld inherent justification, i.e., the notion that justification is the bestowal of an inherent, sanctifying grace (gratia gratum faciens nobis inhaerens). The formula sola fide was thoroughly refuted and merit theology strongly defended.⁵¹

this stage God's justice intervenes, that is, God's saving will as implied in the person and in the redeeming work of Jesus Christ. Man believes and trusts in Christ and so becomes united to him and secures God's pardon of his sins (iustificatio fidei). Thus reconciled to God he receives the Holy Spirit with all his gifts, especially that of charity which enables him to fulfil the commandments (iustitia operans)."--HCT, II, 188.

⁵⁰"Haec Iulii Contareni, nepotis quondam Gasparis Contareni cardinalis, sententia patribus non satis orthodoxa visa fuit, . . . et certe in hoc nimium sibi indulgit episcopus Bellunensis, quod opera bona necessaria quidem et quasi fidei annexa demonstravit, sed nihil eadem operari vel mereri, ne in iustificatis quidem voluit. . . similia de bonis operibus etiam ipse Contarenius cardinalis, modo tamen leniore docuerat."--CT, V, 327 n. 3; HCT, II, 189, 190.

⁵¹CT, V, 384-391; HCT, II, 194.

A revised draft, authored by Seripando with the assistance of Cervini, was presented at the general congregation of September 23. This version differed from the July draft in several respects. In the July draft merit was rejected only in the strict theological sense of being necessary for the advent of grace, whereas the September draft stated that good works apart from faith and prevenient grace contribute nothing to justification. The July draft had an ample explanation of man's freedom, but the September version included only the brief statement that justification must be preceded by an active preparation which flowed from the concurrence of grace and the human will. Both versions denied that man is justified by a forensic declaration on the part of God, but rather sustained the position that man is made just by faith and the reception of the sacraments.⁵² The revised draft was generally acceptable to the Fathers, although Seripando raised a question concerning it which resulted in a long debate among

⁵²CT, V, 420-430. "Chapter 9 [of the September draft] states that faith justifies, . . . in conjunction with hope and charity. The 'content' of justification is said to consist in the remission of sin through the merits of Christ. . . justifying grace can be forfeited not only by infidelity but by any grievous sin. . . and. . . those who persevere in grace are able to fulfil God's commandments. . . the July draft clearly declared life eternal to be the reward of merit. . . the new draft describes it as a favour promised and a reward due."--HCT, II, 241.

them and the theologians. Seripando considered "personal justice" (iustitia inhaerens) to be identified with good works done in the state of grace. Since personal justice was not, for him, identified with sanctifying grace, the question of the possible deficiency of those acts performed as a result of the use of the energy derived from sanctifying grace at the end of one's life entered his mind. He asked the question whether or not, if this were indeed the case, an imputation of Christ's merits would then be necessary to make up for the deficiency. This theory of a "twofold" justice was acknowledged by the rest as Lutheran. Sanctifying grace was held to be identical with iustitia inhaerens, in spite of the imperfection of good works. Jedin reports that the author of the twofold justice theory was none other than Gropper, who had attempted long before to reconcile the differences between the Catholics and the Lutherans. Contarini had defended this version of the imputation theory, while Luther was saying that he would have nothing to do with it. Jedin concludes that it couldn't be considered a Lutheran formula for that very reason. Still, Jedin admits that the origin of the theory was definitely from Luther.⁵³ The theologians also, in the end, rejected any notion of a twofold justice, and with it, any idea of

⁵³For an excellent and complete study of this debate, see HCT, II, 247-261. Cf. supra, pp. 150-154.

imputation in the Lutheran sense.⁵⁴

This was the decision that finally rendered the breach between the Catholics and the Lutherans total. In November, the September draft was reworked with every trace of Seripando's influence removed. This draft was substantially identical in form and content with the decree finally published at the sixth Session, January 13, 1547. The decree asserts that Christ alone is the salvation of the world in virtue of the communication of his merits to those who believe in him and have been born again by the reception of baptism. In adults, God offers his call through prevenient grace independently of any merit on the part of man, who is always free to resist or cooperate with that call. When a sinner is justified, not only are his sins forgiven, but he is inwardly sanctified. Inward sanctification is not, however, by way of imputation, but is a process which fundamentally transforms the soul. Faith alone is not sufficient for salvation, but must be accompanied by hope and love. Faith working by love, in a constant state of grace, results in advance in virtue. Faith works by love when the justified person follows the commandments of God and the Church.⁵⁵

⁵⁴HCT, II, 259; Kidd, op. cit., p. 64.

⁵⁵Complete text of the decree: CT, V, 790-820.
Cf. Denz., 1520-1583; Kidd, op. cit., p. 65f; HCT, II, 283-316.

The sixth Session, in which the Decree on Justification was promulgated, was perhaps the most important of the whole council. It was felt among the council Fathers that the theology of justification represented the "root of the Lutheran errors."⁵⁶ Hence, this decree signifies what could be called the formal response of the Catholic Church to Martin Luther. Indeed, the Fathers themselves felt that the main effort of the council had been accomplished with the publication of the justification decree, and that "nothing now remained to be done but to apply to the doctrine of the Sacraments the conclusions drawn from the premises thus established."⁵⁷ That the council Fathers viewed subsequent enactments regarding the sacraments as being a completion of the justification decree as well as a necessary consequence of it, is apparently substantiated by the words of the first published decree of the seventh Session of March 3, 1547, which clearly indicate that this was their mind.⁵⁸ Thus,

⁵⁶Ludwig Pastor, *The History of the Popes*, ed. Ralph F. Kerr (40 vols., incomplete; St. Louis: Herder, 1891--), XII, 340.

⁵⁷Pastor, *op. cit.*, XII, 346.

⁵⁸"Ad consummationem salutaris de iustificatione doctrinae. . . consentaneum visum est, de sanctissimis ecclesiae sacramentis agere, per quae omnis vera iustitia vel incipit, vel coepta augetur, vel amissa reparatur."--CT, V, 994.

the Sacraments of the Church were related directly to the Tridentine formulation on justification. Since no one could stand before God with solid assurance that he was justified, because of human frailty and indisposition, the objective efficacy of the Sacraments was therefore stressed as constituting an intrinsically necessary supplement to faith, which in and of itself was insufficient to justify men in the sight of God.⁵⁹

Therefore, in virtue of the essential role of the Sacraments in the justification process, the essential presence of the priesthood to confect and administer these salutary means was a logical consequence. The essential role of the clerical state as related to justification was clearly delineated with regard to the Sacrament of Penance. Since justification could be lost through sin, the council Fathers felt that in addition to a contrite heart, sacerdotal absolution was also essential for a restoration to the state of grace. This essential role of the priest in a Christian's justification before God was viewed by Luther as only a human tradition, and one that should be abolished. Thus it seems that the

⁵⁹"Nam sicut nemo pius de Dei misericordia, de Christi merito deque sacramentorum virtute et efficacia dubitare debet: sic quilibet, dum se ipsum suamque propriam infirmitatem et indispositionem respicit, de sua gratia formidare et timere potest, cum nullus scire valeat certitudine fidei, cui non potest subesse falsum, se gratiam Dei esse consecutum."--Decree on Justification, Ch. IX--CT, V, 794.

degree of variance between Luther and Trent regarding not only justification, but also its implications, was great indeed.⁶⁰

The seventh Session, which dealt in part with the Sacraments in general, witnessed the promulgation of canons that were directly opposed to the teachings of Luther. The council Fathers, in Canon 10, denied that all Christians have the power to preach the Word of God and to administer the Sacraments. This canon therefore contravened what Luther had asserted in his tract The Babylonian Captivity of the Church and elsewhere to the effect that all Christians, in virtue of faith and baptism, share equally in the power and authority of Christ's priesthood.⁶¹

⁶⁰"Qui vero ab accepta iustificationis gratia per peccatum exciderunt, rursus iustificari poterunt, cum excitante Deo per poenitentiae sacramentum merito Christi amissam gratiam recuperare procuraverint. . . unde docendum est, Christiani hominis poenitentiam post lapsum multo aliam esse a baptismali, eaque contineri non modo cessationem a peccatis et eorum detestationem, aut cor contritum et humiliatum, verum etiam et eorundem sacramentalem confessionem. . . et sacerdotalem absolutionem. . . " -- Decree on Justification, Ch. 14--CT, V, 796. (Emphasis added.) Cf. LW, XXXII, 159; supra, p. 70, n. 47.

⁶¹"Si quis dixerit Christianos omnes in verbo et omnibus sacramentis administrandis habere potestatem: anathema sit." --CT, V, 995. The original version of this canon was worded somewhat differently: "Si quis dixerit Christianos omnes in verbo et in omnibus sacramentis conficiendis et administrandis parem habere potestatem, a. s." --Hefele, Histoire des Conciles (10 vols. in 19; Paris: Letouzey et Ane, 1907-1938), X, 210. (Emphasis added.) With regard to the original version, one Father demanded the suppression of the word parem (which word referred directly to Luther's own text), lest there be any implication that all Chris-

Canon 3 of this Session reaffirmed the position that there was a diversity in equality among the Sacraments themselves. This notion had already been expressed within canonical tradition from the time of Gratian.⁶² The distinction between consecrated and non-consecrated ministers was therefore reaffirmed as being the logical consequence of Canon 3. In effect, the Council of Trent, while it never addressed itself directly to the laity, nevertheless did so indirectly, and as a result, seemed to uphold and even strengthen the negative attitudes which had developed within canonical tradition.⁶³ The theologians and council Fathers alike affirmed the validity of the traditional distinction between clerics and laymen, asserting that such a distinction had always been

tians have priestly power, but not, however, in equal degree. --CT, V, 927. The majority of Fathers finally agreed to this change. --CT, V, 993. Cf. Luther, The Babylonian Captivity of the Church (1520)--LW, XXVI, 116; Concerning the Ministry (1523)--LW, XL, 21-23, 34; supra,

⁶²"Si quis dixerit, haec septima sacramenta ita esse inter se paria, ut nulla ratione aliud sit alio dignius: anathema sit."--CT, V, 995. Cf. supra, p. 33, with n. 19. "But one sacrament cannot be of greater rank than another, since all are founded on the same Word of God."--Luther, Concerning the Ministry (1523)--LW, XL, 23.

⁶³"Toutefois, il existe une certaine diversité entre les sacrements. Certains d'entre eux exigent absolument en celui qui les confère une consécration. Quelquefois des circonstances exceptionnelles autorisent un ministre extraordinaire non revêtu de la même dignité et même, comme pour le baptême conféré en cas de nécessité, un simple laïque."--thus Hefele, op. cit., X, 211. (Emphasis added.) Cf. supra, pp. 26-33.

manifest throughout the history of the Church. They applied the distinction between consecrated and non-consecrated ministers in their consideration of the Sacrament of Penance at the fourteenth Session on November 25, 1551, where they taught that only ordained priests could administer the Sacrament, and not the faithful, as Luther had asserted.⁶⁴

The implications regarding the clergy and the laity were most clearly stated in the twenty-third Session of July 15, 1563. The consequence of the theological position taken on

⁶⁴"Circa ministrum autem huius sacramenti declarat sancta synodus, falsas esse et a veritate evangelii penitus alienas doctrinas omnes, quae ad alios quosvis homines praeter episcopos et sacerdotes clavium ministerium perniciose extendunt, . . . ad omnes Christi fideles indifferenter et promiscue (contra institutionem huius sacramenti) ita fuisse dicta, ut quivis potestatem habeat remittendi peccata, publica quidem per correptionem, si correptus acquieverit, secreta vero per spontaneam confessionem cuicunque factam."--Decretum de poenitentia et extrema unctione, Sessio 14--CT, VII, 350. The theologians had expressed themselves thus: ". . . et semper in ecclesia fuerunt distincti sacerdotes a laycis, tam in lege veteri quam nova, neque omnes ex aequo sunt sacerdotes, ut clare constat, et semper in ecclesia tam veteri quam nova observatum, ut discrimen esset inter sacerdotes et laycos."--CT, VII, 256f. Luther had stated that all Christians could forgive sins in virtue of the common possession of Christ's priesthood. He felt that in proclaiming the forgiveness of sins, a Christian was giving voice to the most joyful expression of God's Word that he could. The right of all Christians to declare to each other God's forgiveness was considered to be an essential part of their first duty: to teach, preach, and proclaim God's Word.--Supra, pp. 126-128.

justification were framed within the context of the various viewpoints of the theologians at this Session. Hence, these viewpoints will be examined.

Alphonsus Salmeron, a Spanish Jesuit, taught that the sacramentality of Holy Orders was firmly rooted in Sacred Scripture (Acts 6:2, Acts 6:8, Tim. 3: 8, Titus 1: 5), as well as in patristic and conciliar tradition. He held that the Sacrament included the Orders of episcopate, priesthood, and diaconate. Sacred Orders can in no way arise from the laity, since the laity do not possess priestly power. He also stated that the laity have no right to elect bishops and priests, since this was the prerogative of the Roman Pontiff.⁶⁵

Ferdinand de Bellosiglio, also from Spain, argued that a visible Church, constituted such in essence, necessitates

⁶⁵"Et quod non possint institui neque destitui presbyteri a magistratu, ut aiunt haeretici. Nam apostoli instituebant presbyteros et diaconos, et cum haec sit potestas supernaturalis et coelestis, non potest a laicis dari, neque electio spectat ad laicos, sed ad Pontificem. . . "--CT, IX, 8. Luther considered temporal authority to be priestly authority also, and since the laity constituted a part of the spiritual estate, it was within their competence also to depose the clergy: "Inasmuch as the temporal power has become a member of the Christian body it is a spiritual estate, even though its work is physical. Therefore, its work should extend without hindrance to all the members of the whole body to punish and use force whenever guilt deserves or necessity demands, without regard to whether the culprit is pope, bishop, or priest."--Luther, To the Christian Nobility (1520)--LW, XLIV, 131.

a visible sacrifice and therefore a visible priesthood.⁶⁶ Didacus de Paiva, a secular cleric sent to the council by the king of Portugal, countered Luther's argument against the sacramental nature of ordination. Luther had argued that Orders could not be a sacrament since it did not pertain to all Christians, but only to those who had been externally anointed. Didacus asserted that the priest's office is to serve all Christians, therefore on that basis, Orders indeed was a sacrament.⁶⁷ Federicus Pendasius stated that the work of the ministry, including preaching and teaching, was confined to those who had been called specifically by the Holy Spirit for that purpose, i.e., the clergy.⁶⁸ While Luther

⁶⁶CT, IX, 9.

⁶⁷"Respondit ad argumenta adversariorum, quod non sit sacramentum ordo, cum non pertineat ad omnes Christianos etc. Respondit, alia sacramenta dari et conferri ad utilitatem accipientium, hoc autem ad utilitatem aliorum, ergo ad omnes spectat."--CT, IX, 9. "Trusting in the external anointing by which their hands are consecrated, in the tonsure and in vestments, they not only exalt themselves above the rest of the lay Christians, who are only anointed with the Holy Spirit, but regard them almost as dogs and unworthy to be included with themselves in the church. . . here Christian brotherhood has perished."--Luther, The Babylonian Captivity of the Church (1520)--LW, XXXVI, 112.

⁶⁸"Nam et signum sensibile habet, visibilis sc. iurisdictionis apostolis a Deo collatae, cum dixit: Hoc facite,

had assigned the preaching and proclaiming of God's Word to be the very heart and center of the Christian's active role in the life of the Church, Federicus reasserted his conviction, which seems to have been consistent with canonical tradition, that the role of the laity in this particular area was a purely passive one.⁶⁹

Luther's assertion that the verse "You are a chosen race, a royal priesthood, a holy people, etc." (1 Peter 2: 9) referred to all Christians without distinction was rejected by the theologians Franciscus Sancius, Marcus Antonius Gambarottus, and Ferdinand Tricius. These men gave as their opinion that the verse indicates priesthood in a spiritual sense only, not in any external and visible sense.⁷⁰ The Dominican Franciscus

etc., quod visibile fuit; nam non potuisset eis praecipere, ut offerrent, nisi potestas ad id faciendum tradita fuisset; et cum dixit: Accipite Spiritum Sanctum, et: Euntes docete omnes gentes, quod ecclesia imitatur in ordinatione presbyterorum. Neque illis tantum Christus eam potestatem dedit, sed omnibus successoribus, dicens: Vobiscum ero usque ad consummationem saeculi. Pro patribus enim nati sunt nobis filii. Et quemadmodum consecrare et offerre, sacramenta dotium, ad quod ea munia spectant."--CT, IX, 10.

⁶⁹Supra, pp. 126-128. "Nam Christus dicit: 'Ite, praedicate, docete omnes gentes' etc. non enim omnes sunt docentes, sed aliqui docentur."--CT, IX, 10.

⁷⁰CT, IX, 11, 21. Supra, pp. 126-128, 134f.

Ferrerius understood these same words of scripture to refer not to all Christians, but to true priests and lay potentates.⁷¹

The first doctrinal version of the decree that was to be finally promulgated at the twenty-third Session, dated October 13, 1562, denied that all Christians were equally priests and shared equal power.⁷² However, the objection was raised that such a formulation, while true, failed to distinguish between the external and visible priesthood, which was restricted to those who had received the Sacrament of Holy Orders, and the internal and invisible priesthood, which was proper to all Christians, and in virtue of which "spiritual offerings" were made to God. The wording of the formulation was changed so as to acknowledge the distinction. Luther, however, had long since rejected such a distinction outright as being meaningless and contrary to scripture.⁷³

71". . . ea verba non intelligi de universis Christianis, sed de veris sacerdotibus et principibus viris in ecclesia Dei. "--CT, IX, 17. Cf. supra, pp. 9, 10, esp. n. 11 and 13.

72"Quod si quis omnes Christianos aequae sacerdotes, aut pari inter se potestate spirituale praeditos esse affirmet. . ." --CT, IX, 39.

73". . . quia doctores nostri respondendo ad argumentum haereticorum concedunt, omnes Christianos aequae esse sacerdotes quoad sacerdotium internum, quo spirituales hostiae Deo offeruntur. "--CT, IX, 80. "Quod si quis omnes Christianos promiscue novi Testamenti sacerdotes esse, aut omnes pari inter

The theologian Cherubinus of Cassia, an Augustinian, stated as his opinion that the care of, and responsibility for, the Church was the task of the pope, bishops, and clergy. He seems to imply therefore, that such was not the case as far as the laity were concerned.⁷⁴

Regarding the matter of ecclesiastical elections, the theologians seemed to agree that the laity have no right whatsoever to decide who their bishops and priests will be. All supported the

se potestate spirituali praeditos affirmet. . . "--Final Decree, Session 23, July 15, 1563, Cap. quantum--CT, IX, 621. "But some imagine a twofold priesthood, one spiritual and common to all, the other external and limited, and say that Peter here speaks of the spiritual one. But what is the function of this limited and external office? Is it not to declare the wonderful deeds of God? But this Peter enjoins on the spiritual and universal priesthood. . . so, as there is no other proclamation in the ministry of the Word than that which is common to all, that of the wonderful deed of God, so there is no other priesthood than that which is spiritual and universal, as Peter here defines it."--Luther, Concerning the Ministry (1523)--LW, XL, 22.

⁷⁴"Ita et Christus discessurus ex hoc mundo noluit relinquere ecclesiam acepholam, sed dedit ei Petrum et successores, qui eius ecclesiae curam gerere deberent. Est igitur in ecclesia hierarchia. Si enim est in universo sensibili, multo magis in ecclesia Dei. Praeterea Ioannes in Ap. 21, 2 vidit novam Hierusalem descendentem de coelo, quae est ecclesia ad similitudinem illius triumphantis, et est velut acies castrorum bene ordinata. . . "--CT, IX, 21. In describing the hierarchy, the fourth chapter of the final decree makes use of the scriptural reference utilized here by Cherubinus from the Canticle: "acies castrorum bene ordinata" (Cant. 6: 3)--CT, IX, 621.

idea that the consent of the people, while unnecessary, was nevertheless a good thing and perhaps should be encouraged. The general argument for denying the laity a decisive role in ecclesiastical elections was based on the teaching that they possess no ecclesiastical power. Power was considered proper only to the clergy, as a result of the commission of Christ to Peter: "Feed my sheep."⁷⁵ Melchior Cornelius also denied that the layman has the right to decide by vote in an election. He seems to cite Cyprian as upholding the right of the people to definitively decide such matters, and implies that in this matter, Cyprian had been in error.⁷⁶

⁷⁵"Non possunt itaque electiones cleri a plebe irritari. Nam apostoli in eorum concilio excommunicarent populem, qui episcopum non recipiunt, et si ordinatio posset fieri irrita consensu populi, frustra fieret per aliquod signum sensibile mysticum a Deo per apostolos institutum."--thus Franciscus Torres--CT, IX, 23. "Ad electionem autem presbyteri non requiritur consensus populi necessario, sed ad bene esse, uti testimonium. . . ."--thus Augustinus Baldus--CT, IX, 33. "Because we are all priests of equal standing, no one must push himself forward and take it upon himself, without our consent and election, to do that for which we all have equal authority. For no one dare take upon himself what is common to all without the authority and consent of the community."--Luther, To the Christian Nobility (1520)--LW, XLIV, 129.

⁷⁶"Neque electio sacerdotum vel episcoporum est populi, ut Cyprianus. . . declarat, sed testimonium tantum."--CT, IX, 26. Cf. supra, p. 4, n. 3; pp. 16, 17 and n. 27, 28. Luther also understood Christians in the first centuries to have possessed the right to decide who their bishops would be: "In times gone by Christians used to choose their bishops and priests in this way from among their own number, and they were confirmed

Finally, to complete this analysis of the views and mentality of the majority of Tridentine theologians preparatory to the enactments of the twenty-third Session, it should be remarked that they upheld the distinction between the clergy and the laity as being of divine institution. Consequent to this view was the position that the Sacrament of Holy Orders conferred an eternal sharing in the Priesthood of Christ that was irrevocable: Once a Christian was ordained a priest, he could never again become a layman.⁷⁷ Also, the entire theological orientation of the Tridentine clergy-lay discussion was reinforced by the re-statement of the traditional position with regard to decretals of

in their office by the other bishops without all the fuss that goes on nowadays. St. Augustine, Ambrose, and Cyprian each became [a bishop in this way]."--Luther, To the Christian Nobility (1520) --LW, XLIV, 128. Cf. also LW, XL, II.

⁷⁷"Non est igitur haec potestas a magistratu, sed a Deo, et ita qui sacerdotes sunt, laici fieri non possunt."--thus Adrian Venetus--CT, IX, 18. "Si igitur a Deo, ergo non a magistratu neque a plebe, cum ea potestas sit supernaturalis et a laicis dari non possit. . . qui sacerdos est, rursus laicus fieri non potest."--thus Didacus Sovannos--CT, IX, 20. The phrase "qui sacerdos est, rursus laicus fieri non potest" was incorporated into the fourth canon of the final decree. Cf. CT, IX, 622. Luther denied this position: "Indeed, a priest is never a priest when he is deposed. But now the Romanists. . . say that a deposed priest is nevertheless something different from a mere layman. They hold the illusion that a priest can never be anything other than a priest, or ever become a layman. All this is just contrived talk, and human regulation."--Luther, To the Christian Nobility (1520)--LW, XLIV, 129.

of the popes and the Church. One bishop took note of the fact that the Lutherans were continually upholding Sacred Scripture as the final interpreter of divine law. To this observation, he added that while he too venerated divine law, he nevertheless considered the decrees of the Church and the Roman Pontiffs to be expressions of divine law, under the inspiration of the Holy Spirit. This view was obviously consistent with pre-Reformation canonical tradition.⁷⁸

The views of the theologians herein described were incorporated substantially into the final decree on the Sacrament of Holy Orders at the twenty-third Session of the Council of Trent, July 15, 1563. The opposition to these views was negligible. Perhaps the most outspoken opponent was once again Giacomo Nacchianti, the Bishop of Chioggia, whose previous views on the place of tradition within the Church had called his orthodoxy into question.⁷⁹ Obviously familiar with the writings of Luther on the

⁷⁸"... videmus plenos libros haereticorum, et illos scimus semper dicere: Verbum Dei, verbum Dei, ius divinum, ius divinum, Scriptura, Scriptura. Nos autem ius divinum veneramus, sed dicimus, ecclesiae et Summorum Pontificum decreta divina etiam esse iura a Spiritu Sancto inspirata."--CT, IX, 59. Cf. supra, pp. 35-37; 46, n. 4.

⁷⁹Supra, p. 161, esp. n. 34.

subject, Nacchianti strongly objected to the direction the theologians and council Fathers were taking on the subject. He asserted, in agreement with Luther, that all Christians are priests, both externally and internally, both the priests who are consecrated by ordination, and those ministers who are not consecrated, i.e., the laity. He claimed that the work of the external ministry belongs to all Christians, not the least in importance being the office of preaching and proclaiming the Word of God. He further suggested that the laity are equal to, and have the same dignity as the members of the clerical state, in virtue of their common priesthood. He supported his positions by citing the constitution of St. Paul's community at Corinth.⁸⁰ His voice, however, was singular.

⁸⁰"Sed dicis: Fateor, administrare sacramenta nulli non consecrato licere. At non consecrato illicitum non videtur evangelizare. Alias paterfamilias non posset docere domesticos, et perperam permisisset Paulus laicos in Corinthiorum ecclesia interpretum munere fungi. Respondeo, evangelizare quidem, et potissimum ex officio, nedum opus sacrum, etiam ex genere, sed, si Paulo creditur, 15 ad Rom., insigne sacrificium, per quod Deo non solum homines offeruntur, sed et consecrantur [a ministris non praestanda non sacris, id est, non consecratis]. Quare meritissime decrevit ecclesia, a ministris non praestandum non sacris, ut quibus sacra non congruunt ex officio, et maxime quae communi lege praestanda sunt in ecclesia et publica functione. Ergo si quando paterfamilias suis concionatur domesticis, licet etiam agat ex genere sacra, non tamen agit sacre aut veluti ex officio, non secus ac si non consecratus diaconus cantet in ecclesia Evangelium: tametsi, quia etiam agit ex caritate, nempe ut pie vivant domestici, opus est Deo gratum et sua commendatione dignum. Quod autem Paulus publice passus est laicos de

The enactments of the twenty-third Session completed the implications of the Decree on Justification, as outlined by the major part of the theologians already discussed in this chapter.⁸¹

Scripturis loqui, non est praedictis adversum. Quoniam esto for-
ent laici, hoc est, sacro in ordine non constituti, erant tamen
eisque Spiritu Sancto sacrati, quod et illius etiam externis locup-
letabantur donis et potissimum illi muneri opportunis, ut erat
linguis loqui ac prophetare, ut ampliter in I ad Cor. 12. Quare
res exstitit singularis et talibus suffulta suffragiis, quod non solum
aequum erat eam permittere, sed dignum erat ad illam exstimulare."
--thus Giacomo Nacchianti--CT, IX, 129, 130. "The father in the
home. . . can provide his own with the necessities through the
Word and in pious humility do without the nonessentials as long
as he is in captivity. . . the head of the household. . . would act
most appropriately and safely if. . . he. . . zealously and faith-
fully propagated faith in his home through the Word of God. . ."
Luther, Concerning the Ministry (1523)--LW, XL, 10.

⁸¹Cap. primum: "Cum igitur in novo Testamento
sanctum Eucharistiae sacrificium visibile ex Domini institutione
catholica ecclesia acceperit: fateri etiam oportet, in ea novum
esse visibile et externum sacerdotium, in quod vetus translatus
est." Can. primus: "Si quis dixerit, non esse in novo Testamento
sacerdotium visibile et externum, vel non esse potestatem aliquam
consecrandi et offerendi verum corpus et sanguinem Domini, et
peccata remittendi et retinendi, sed officium tantum et nudum min-
isterium praedicandi Evangelium, vel eos, qui non praedicant,
prorsus non esse sacerdotes: anathema sit." Cap. quartum:
". . . merito sancta synodus damnat eorum sententiam, qui
asserunt, novi Testamenti sacerdotes temporariam tantummodo
potestatem habere, et semel rite ordinatos iterum laicos effici
posse, si verbi Dei ministerium non exercent. Quod si quis omnes
Christianos promiscue novi Testamenti sacerdotes esse, aut omnes
pari inter se potestate spirituali praeditos affirmet. . ." Can.
quartus: "S. q. d., per sacram ordinationem non dari Spiritum
Sanctum, ac proinde frustra episcopus dicere: Accipe Spiritum

A Canonical Evaluation and Conclusions

The active role of the laity in the life of the Church, as expressed in representative canonical sources from the fifth to sixteenth centuries, was increasingly diminished to the point of passivity. The high prestige that characterized the science of canon law, especially from the time of Gratian in the eleventh century, had a large influence in regularizing the passive rôle of the laity, along with the simultaneous negative character which was manifested by comparison with the hierarchical and clerical states, within a largely static juridical system. Canonical tradition sanctioned the divine law character of the papal decretals in

Sanctum; aut per eam non imprimi characterem; vel eum, qui sacerdos semel fuit, laicum rursus fieri posse: a.s." This particular canon, as well as the teaching that the clergy, by reason of ordination and ministry, are ontologically distinct from the laity in virtue of divine law, has been accepted into the Code of Canon Law (1918) at canon 107. Cap. quartum: ". . . in ordinatione episcoporum, sacerdotum et ceterorum ordinum nec populi nec cuiusvis saecularis potestatis et magistratus consensum sive vocationem sive auctoritatem ita requiri, ut sine ea irrita sit ordinatio. . ." Can. septimus: "S.q.d., episcopos non esse presbyteris superiores, vel non habere potestatem confirmandi et ordinandi, vel eam, quam habent, illis esse cum presbyteris communem; vel ordines ab ipsis collatos sine populi vel potestatis saecularis consensu aut vocatione irritos esse; aut eos, qui nec ab ecclesiastica et canonica potestate rite ordinati nec missi sunt, sed aliundi veniunt, legitimos esse verbi et sacramentorum ministros: a.s."--CT, IX, 620-622.

which the passive role of the layman and the accompanying negative attitudes were encapsulated. Consequently, the traditional distinction between clergy and laity was amplified to the degree that any consideration of equality in status or personal dignity, as well as co-responsibility for the welfare and growth of the Church remained outside the realm and contents of the public and private collections of ecclesiastical law promulgated between the eleventh and fifteenth centuries.

Martin Luther challenged this aspect of the constitution of the Church that had manifested itself within canonical tradition. His theological conclusions which asserted an active and co-responsible role for the laity in relation to the clergy were rooted in his scriptural understanding of justification. Luther taught that a Christian is completely and at once justified in the sight of God when he accepts in faith the divine declaration that he is a just man solely in virtue of the gracious imputation of Christ's merits. Although inner sanctification consequent upon good works as the intrinsically necessary complement to faith represents the eschatological completion of the justification process, the "present dimension" of the Christian's total and immediate justification as the exclusive work of God and the effect solely of faith is in no way jeopardized.

The "present dimension" of justifying faith results, according to Luther, from the proclamation and preaching of God's Word, which reaches the heart of man which is also dispositioned by divine grace. Faith, for Luther as well as St. Paul, comes by hearing. Thus, he conceives the Church to consist in the visible assembly of believers who have heard the Word in faith and responded to the divine summons (the visible sign of the presence of Christ's Church on earth), as well as acknowledged the essential role consequent upon this membership to preach and proclaim that same Word to all (the creative sign-value of God's Word in continually bringing the Church into existence). Thus, the Word of God, fidelity to which represents the only criterion for asserting the presence of the true Church, is the common possession of all Christians.

Since the Sacraments for Luther (Baptism, Penance, and the Eucharist) are signs of divine grace only insofar as they are conjoined with the declaration of the Word, this declaration also is the right of all Christians, whose access to the Word can be limited in no way by any human authority, civil or ecclesiastical. Thus, all Christians in the Church are fundamentally equal as a consequence of their totally unmerited justification. They are all equally priests in virtue of a common accession to God's

Word. The only distinction, therefore, between the clergy and the laity is accidental and functional, in that the assembly of believers elects one of their number to exercise publicly the prerogatives of the common priesthood on behalf of the entire community. The distinction, therefore, is not essential nor ontological in any sense.

A theology of justification had not been fully developed and expressed within Catholic tradition prior to the Council of Trent. The challenge of Luther to the Traditional constitution of the Church, with the subsequent implications regarding the clergy-lay distinction and the nature of the role of the laity in the Church, was fundamentally rooted in his theology of justification.

Accordingly, the Council of Trent formulated its response to Luther on a corresponding, though antithetical theology of justification in which the position was taken that inherent sanctification as a result of meritorious human effort performed in the state of grace was an intrinsically necessary supplement to faith, which in and of itself does not totally and immediately justify a man in the sight of God. Since purely human endeavor was considered by the Tridentine theologians and Fathers to be so intimately involved in justification, the further element of human frailty also became a consideration. Justification could not be ascertained, at any moment in life, to be assured, as it was for Luther as a

result of his fiducial faith. Consequently, Trent stressed the objective efficacy of the seven Sacraments in order to reinforce, as it were, the area of doubt resulting from the human dimension of justification as they understood the process. The essential role of the clergy to confect and administer the Sacraments was restated logically in subsequent Sessions within a context that reflected accurately the clergy-lay distinction that was characteristic of pre-Reformation canonical tradition. The clergy were considered to be essentially and ontologically distinct from the laity in virtue of the external anointing and public commission to mediate the grace of the Sacraments to Christians (Sacrament of Holy Orders). They participated in Christ's eternal Priesthood in a way and to a degree that was considered impossible for the layman. The ministry of the Word, as well as the administration of the Sacraments and other ministerial works, were considered to be within the sole competence of the clergy. All matters pertaining to internal ecclesiastical affairs were also the sole concern of the clergy. To them alone was given the power, authority, and responsibility for the welfare of the Church.

It seems then, that in thus stressing the essential distinction between the clergy and the laity in the desire to deny, in an unambiguous way, what Trent considered to be Luther's errors,

the council Fathers indirectly, and perhaps even inadvertently on the part of some, reassigned the Catholic laity to a passive role in the life of the Church. In this sense, the Council of Trent appears as a confirmation of the canonical tradition that preceded the Reformation.

Perhaps it could be suggested that although Luther and Trent assumed opposite positions with regard to the role of the laity in the Church consequent to their respective theological analyses of the justification process, the final judgment on both camps should not be severe for several reasons. First of all, Luther and the Council of Trent were obviously not in communication. The Tridentine theologians apparently were not prepared to cope with the scriptural and existential formulation of justification with which Luther presented them. The problem of communication was compounded further in that Luther openly rejected scholastic methodology and the Tridentine position on what place Tradition occupied within the context of dogmatic development.

In the second place, Trent did not address itself directly to the nature of the Church. This left the council somewhat deficient in its own self-understanding. Therefore, it appears that as far as Trent and the role of the laity are concerned, it is not so much a matter of what the council did say, as what it

did not say. Surely it can be suggested, by way of conclusion, that Luther correctly understood that the laity have an active role to play in the life of the Church. The very nature of the Church demands that all of the members share in the advancement of its sacred mission. Passive Christians, in Luther's view, were a detriment both to the Church, and to God's purpose for the Church in the world. But it also appears that Luther taught views that were connected with the active role of the laity which Catholic tradition, in the fullest sense, simply could not sustain. Deeply concerned with the task of clarifying the obscurities that resulted from Luther's teachings, the Council of Trent addressed itself directly to the nature and role of the Sacraments and the priesthood. It appears as unfortunate that while this was indeed a necessity at the time, the result of a passive laity in the Church and the retention of negative attitudes already enshrined within the medieval canonical sources, were truly inevitable.

BIBLIOGRAPHY

Sources

Anselmus Lucensis, Collectio Canonum una cum Collectione Minore, ed. F. Thaner, Oeniponte: Librariae Academicae Wagnerianae, 1906.

Biel, Gabriel, Commentarius in quatuor libros Sententiarum, 2 vols. in 1, Brixiae: expensis Thomae Bozolai, 1574.

Boich, Henricus Lugdunensis, Commentaria in Quinque Decretalium Libros, Venetiis, 1576.

Conciliarum Oecumenicorum Decreta, edidit Centro di Documentazione Istituto per le Scienze Religiose, Freiburg: Herder, 1962.

Concilium Tridentinum, Diariorum, Actorum, Epistularum, Tractatum, edidit Societas Goerresiana, 13 vols. in 14, incomplete, Freiburg: Herder, 1901--

Corpus Christianorum Series Latina seu nova Patrum collectio, Turnhout, Paris, 1953--

Corpus Iuris Canonici, ed. Lipsiensis secunda, post Aemilii Ludovici Richter curas ad librorum manu scriptorum et editionis Romanae fidem recognovit et adnotatione critica instruxit Aemilius Friedberg, 2 vols., Pars Prior, Decretum Magistri Gratiani, Pars Secunda, Decretalium Collectiones, Graz: Akademische Druck- u. Verlagsanstalt, 1959.

Corpus Scriptorum Ecclesiasticorum Latinorum, 76 vols., incomplete, Vindobonae, 1866--

Decretales Pseudo-Isidorianae et Capitula Angilramni, ed. Paul Hinschius, Aalen: Scientia Verlag, 1963.

Decretum Gratiani emendatum et notationibus illustratum una cum glossis Gregorii XIII Pont. Max. iussa editum, 2 vols., Rome: In Aedibus Populi Romani, 1582.

Denzinger, Henricus, Enchiridion Symbolorum Definitionum et Declarationum de rebus fidei et morum, editio XXXIII, Schönmetzer, S. J., Barcinone: Herder, 1965.

Erasmus, Desiderius, Opera Omnia, emendatiora et auctiora . . . doctorumque virorum notis illustrata, recognovit Joannes Clericus, 10 vols., Hildesheim: Georg Olms Verlagsbuchhandlung, 1961-1962.

_____, Opus Epistolarum, recognitum et auctum P. S. Allen and H. M. Allen, 12 vols., Oxonii: In Typographeo Clarendoniano, 1906-1958.

Hardouin, J., Acta Conciliorum et Epistolae Decretales ac Constitutiones Summorum Pontificum, 12 vols., Parisiis, 1714-1715.

Hostiensis (Henricus Segusio Cardinalis), Commentaria in libros decretalium, 6 vols. in 4, Venetiis, 1581.

_____, Summa Aurea, Venetiis, 1570.

Library of Christian Classics, ed. John Baillie, John T. McNeill, and Henry P. Van Dusen, 26 vols., Philadelphia: Westminster Press, 1953-1966.

Luther, Martin, Works, American Edition, ed. Jaroslav Pelikan and Helmut Lehmann, 55 vols., incomplete, Philadelphia-St. Louis: Muhlenberg Press-Concordia Publishing House, 1955--

Mansi, Joannes, Sacrorum Conciliorum Nova et Amplissima Collectio, 53 vols. in 60, Parisiis-Lipsiae-Arnhem, 1901-1927.

Migne, Jacques Paul, Patrologiae Cursus Completus, Series Graeca, 161 vols. in 166, Parisiis, 1857-1887.

_____, Patrologiae Cursus Completus, Series Latina, 221 vols., Parisiis, 1844-18[82].

Monumenta Germaniae Historica, Legum Sectio IV, Tom. II, ed. L. Willand, Hannover: Impensis Bibliopolii Hahniani, 1896.

Novi Testamenti Biblia Graeca et Latina, critico apparatu aucta edidit Joseph M. Bover, S. J., editio quarta, Madrid: Talleres Graficos Montana, 1959.

Pastor, Ludwig, The History of the Popes, ed. Ralph F. Kerr, 40 vols., incomplete, St. Louis: Herder, 1891--

Regesta Pontificum Romanorum ab condita Ecclesia ad annum post Christum natum MCXCVIII, 2 vols., ed. Philippus Jaffe, ed. secundam correctam et auctam auspiciis Gulielmi Wattenbach, Lipsiae: Veit and Comp., 1885-1888.

Regesta Pontificum Romanorum inde ab A. post Christum natum MCXCVIII ad MCCCIV, 2 vols., ed. Augustus Potthast, Graz: Akademische Druck- u. Verlagsanstalt, 1957.

Rufinus, Die Summa Decretorum des Magister Rufinus, ed. H. Singer, Paderborn: Druck und Verlag von Ferdinand Schöningh, 1902.

Scotus, Joannes Duns, Opera Omnia, iussu et auctoritate Augustini Sepinski, studio et cura Commissionis Scotisticae ad fidem codicum edita, praeside Carolo Balic, Civitas Vaticana: Typis Polyglottis Vaticanis, 1950--

Stephen of Tournai, Die Summa des Stephanus Tornacensis über das Decretum Gratiani, ed. J. F. von Schulte, Gressen: Verlag von Emil Roth, 1891.

St. Thomas Aquinas, doctoris angelici Ordinis Praedicatorum Opera Omnia ad fidem optimarum editionum accurate recognita, sec. impressionem Petri Fiaccadori, 25 vols. [Parmae, 1852-1873], New York: Musurgia Publishers, 1948.

_____, Summa Theologiae cura et studio Instituti Studiorum Medievalium Ottaviensis ad textum S. Pii Pp. V iussu confectum recognita, 5 vols. in 6, Ottawa: Typis Catholicis Panamericanis, 1941-1945.

Reference Works

Althaus, Paul, The Theology of Martin Luther, trans. Robert C. Schultz, Philadelphia: Fortress Press, 1966.

Augsburg Confession, trans. Latin Editio Princeps, Philadelphia: United Lutheran Publication House, 1913.

Barth, Karl, Church Dogmatics, ed. G. W. Bromiley and T. F. Torrance, Edinburgh: T. and T. Clark, 1936--

Carlyle, R. W., and Carlyle, A. J., A History of Medieval Political Theory in the West, 6 vols., Edinburgh-London: William Blackwood and Sons, 1903-1936.

Chadwick, Owen, The Reformation, Vol. III of The Pelican History of the Church, 6 vols., Middlesex: Penguin Books Ltd., 1964.

Congar, Yves, O. P., Lay People in the Church, A Study for a Theology of Laity, rev. ed., trans. Donald Attwater, Westminster: Newman Press, 1965.

Councils of the Church--History and Analysis, ed. Hans Jochen Margull, translated from Die ökumenischen Konzile der Christenheit (Stuttgart: Evangelisches Verlagswerk, 1961), Philadelphia: Fortress Press, 1966.

Cox, Ronald J., A Study of the Juridic Status of Laymen in the Writing of the Medieval Canonists, The Catholic University of America Canon Law Studies, No. 395, Washington: The Catholic University of America Press, 1959.

Documents Illustrative of the Continental Reformation, ed. B. J. Kidd, Oxford: Clarendon Press, 1911.

Documents of Vatican II, ed. Walter M. Abbott, New York: Herder and Herder, 1966.

Dolan, John P., History of the Reformation, A Conciliatory Assessment of Opposite Views, New York: The New American Library, Inc., 1967.

Erikson, Erik H., Young Man Luther--A Study in Psychoanalysis and History, New York: W. W. Norton and Co., Inc., 1958.

Geiselmann, Josef Rupert, The Meaning of Tradition, New York: Herder and Herder, 1966.

Gill, Joseph, The Council of Florence, Cambridge: University Press, 1959.

Hefele, Charles Joseph, A History of the Christian Councils, 5 vols., trans. and ed. William R. Clark, Edinburgh: T. and T. Clark, 1883-1896.

_____, Histoire des Conciles, 10 vols. in 19, Paris: Letouzey et Ane, 1907-1938.

Jedin, Hubert, A History of the Council of Trent, trans. Ernest Graf, 2 vols., incomplete, Edinburgh: Thomas Nelson and Sons, 1957--

Kantorowicz, Ernst H., The King's Two Bodies--A Study in Medieval Political Theology, Princeton, N.J.: Princeton University Press, 1957.

Kidd, B. J., The Counter-Reformation, London: Society for Promoting Christian Knowledge, 1933.

Küng, Hans, Justification--The Doctrine of Karl Barth and a Catholic Reflection, trans. Thomas Collins, Edmund Tolk, and David Granskou, New York: Thomas Nelson and Sons, 1964.

_____, Structures of the Church, trans. Salvator Attanasio, New York: Thomas Nelson and Sons, 1964.

_____, The Church, trans. R. and R. Ockenden, New York: Sheed and Ward, 1967.

Leclercq, Jean, Jean de Paris et l'ecclésiologie du XIIIe siècle, Paris: J. Vrin, 1942.

Lipgens, Walter, Kardinal Johannes Gropper und die Anfänge der Katholischen Reform in Deutschland, Münster Westfalen: Aschendorffsche Verlagsbuchhandlung, 1951.

- Lortz, Joseph, The Reformation--A Problem for Today, trans. John C. Dwyer, Westminster: Newman Press, 1964.
- Oberman, Heiko Augustinus, The Harvest of Medieval Theology--Gabriel Biel and Late Medieval Nominalism, Cambridge: Harvard University Press, 1963.
- Occam, William, De imperatore et pontificum potestate, ed. Mulder, Archivum Franciscanum Historicum, XVI-XVII, Quaracchi, 1925.
- Previté-Orton, C. W., The Defensor Pacis of Marsilius of Padua, Cambridge: University Press, 1928.
- Schroeder, H. J., Canons and Decrees of the Council of Trent, orig. text with English translation, St. Louis: Herder Co., 1941.
- Tierney, Brian, Foundations of the Conciliar Theory--The Contribution of the Medieval Canonists from Gratian to the Great Schism, Cambridge: University Press, 1955.
- Todd, John M., Martin Luther--A Biographical Study, Westminster: Newman Press, 1965.
- Ullmann, Walter, Medieval Papalism--The Political Theories of the Medieval Canonists, London: Methuen and Co., Ltd., 1949.
- Watt, John A., The Theory of Papal Monarchy in the Thirteenth Century, New York: Fordham University Press, 1965.

Articles

Johnson, John F., "Luther on Justification," Concordia Theological Monthly, XXXVIII (1967), 411-421

MacDonald, William W., "Luther and Catholic Historians," America, CXVII (1967), 434-436.

Piepkorn, Arthur C., "A Lutheran Theologian Looks at the Ninety-Five Theses in 1967," Theological Studies, XXVIII (1967), 519-530.

Spitz, Lewis W., "Current Accents in Luther Study: 1960-67," Theological Studies, XXVIII (1967), 549-573.

Tierney, Brian, "Roots of Western Constitutionalism in the Church's Own Tradition--The Significance of the Council of Constance," A Constitution for the Church. (Paper read before the Symposium sponsored by the Canon Law Society of America and Fordham University, October 7-9, 1967.)

Vignaux, Paul, "Sur Luther et Ockham," Franziskanische Studien, XXXII (1950), 21-30.

Periodicals

America, New York, 1909--

Archivum Franciscanum Historicum, Florence, 1908--

Concordia Theological Monthly, St. Louis, 1930--

Franziskanische Studien, Westfalen, 1914--

Theological Studies, New York, 1940--

TABLE OF ABBREVIATIONS

CC--Corpus Christianorum Series Latina seu nova Patrum
collectio

CT--Concilium Tridentinum, Diariorum, Actorum, Epistularum,
Tractatum

Denz.--H. Denzinger, Enchiridion Symbolorum Definitionum et
Declarationum de rebus fidei et morum

HCT--H. Jedin, A History of the Council of Trent

in VI^o--Liber Sextus Bonifatii VIII

LCC--Library of Christian Classics

LW--M. Luther, Works, American Edition

Mansi--J. Mansi, Sacrorum Conciliorum Nova et Amplissima
Collectio

MPG--Migne, Patrologiae Cursus Completus, Series Graeca

MPL--_____, Patrologiae Cursus Completus, Series Latina

X--Decretales Gregorii IX

BIOGRAPHICAL NOTE

James Russell Hertel was born in Binghamton, New York, on November 15, 1936, and baptized in the Evangelical Lutheran Church of the Holy Nativity, Endicott, New York, on January 10, 1937. He received his elementary education in the Public School System of Endicott, and was graduated from Union-Endicott High School in June, 1954. He attended Harpur College (University of the State of New York), at Binghamton, New York, from 1954 to 1957. On October 31, 1957, he was received into communion with the Roman Catholic Church at Our Lady of Good Counsel Church, Endicott, New York.

He entered the Mercedarian Novitiate at LeRoy, New York, in 1958, and made Profession in that Institute in August, 1959. He completed his philosophical studies at St. Joseph Seminary, Cleveland, Ohio, conducted by the Fathers of the Most Blessed Sacrament. His theological studies were completed at St. Joseph Franciscan Seminary, Teutopolis, Illinois, during which time he also attended DePaul University in Chicago, Illinois. He was ordained to the Sacred Priesthood on January 17, 1965, by the hands of the Most Rev. Henry

Ambrose Pinger, O. F. M., D. D., exiled Bishop of Chowtsun, China. In June of 1965, he was awarded the Baccalaureate Degree in Sacred Theology at St. Joseph's Seminary, Teutopolis, Illinois, from the Pontifical University of the Antonianum in Rome.

He was enrolled in the School of Canon Law of the Catholic University of America in September, 1965, where he received the Baccalaureate Degree in Canon Law in June, 1966, and the Licentiate Degree in Canon Law in June, 1967.